



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1360 of 2026

*Roji Nayak @
Jagnyaseni Nayak* *Petitioner(s)*

Mr. Prakash Ranjan Barik, Adv.
-versus-

*Jayadev @ Rabindra
Kumar Sahoo & Ors.* *Opposite Party(s)*

**CORAM:
HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI**

Order No.

01.

ORDER

04.05.2026

1. This matter is taken up through hybrid arrangement.
2. By filing the present CRLMC, the Petitioner has prayed for quashing the order dated 21.03.2026 passed by the learned Addl. Sessions Judge, Deogarh in Criminal Appeal No.04 of 2024, whereby the judgment dated 16.12.2023 passed by the learned S.D.J.M., Deogarh in CMC No. 46 of 2016 has been confirmed with certain observations.
3. Heard learned counsel for the Petitioner.
4. The Petitioner challenges the impugned order primarily on the ground that the learned Appellate Court has exceeded its jurisdiction in remanding the matter for fresh disposal, contending that such power has not been exercised in accordance with law.
5. On perusal of the impugned order, it appears that the learned Appellate Court has identified several material



irregularities and procedural lapses in the judgment of the learned S.D.J.M., Deogarh.

6. After hearing learned counsel for the Petitioner and upon careful perusal of the impugned order, this Court finds that the learned Appellate Court has exercised its jurisdiction judiciously and within the framework of law. The findings recorded by the Appellate Court reflect proper appreciation of procedural lapses and violation of principles of natural justice by the trial Court.

7. It is well settled that an Appellate Court possesses the authority to remand a matter where the trial Court has failed to properly appreciate evidence, or where material procedural irregularities have resulted in miscarriage of justice. In the present case, the deficiencies noted by the Appellate Court go to the root of the matter and justify interference.

8. In view of the above, this Court does not find any infirmity, illegality, or perversity in the impugned order warranting interference in exercise of inherent jurisdiction.

9. Accordingly, the CRLMC stands dismissed.

10. Pending application (s), if any, shall stand disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge