



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLLP No.27 of 2007

State Of Orissa

.....

Petitioner

Mr. S.K. Parhi, ASC

-versus-

Rosa Samantaray

.....

Opposite Party

Represented By Adv. -

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

09.12.2025

Order No.

- 10.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Petitioner-State. Perused the application as well as the prayer made therein.
 3. The present application has been filed under Section 378(1) & (3) of the Code of Criminal Procedure seeking leave to prefer an appeal against the judgment of acquittal dated 22.08.2006 passed in S.T. Case No.24/121 of 2000 by the learned Addl. Sessions Judge, Khurda. The above noted S.T. Case arises out of an FIR lodged alleging commission of an offence punishable under Section 302 of IPC.
 4. The present application has been filed seeking leave to challenge the judgment of acquittal by filing an appeal. Although the



present application was filed on 02.03.2007, till date the notice has not been duly served on the accused-Opposite Party. A perusal of the order sheet reveals that several opportunities were granted to the Petitioner-State to take fresh steps for issuance of notice to the Opposite Party. However, the same have not been complied with. Finally, vide order dated 23.09.2025, this Court had asked the State counsel to make an attempt to serve the notice on the accused-Opposite Party through the IIC of the concerned P.S. under whose jurisdiction the Opposite Party resides. Such order was again repeated on 17.11.2025, however, no confirmation with regard to service of notice on the Opposite Party has been obtained.

5. On the prayer of learned counsel for the State, he is granted ten days' time, as a last opportunity, to obtain instruction with regard to the service of notice, failing which this Court would accept that the State-Petitioner is not seriously interested in pursuing the present application. Accordingly, necessary consequential order shall be passed on the next date.

6. List this matter in the week commencing 05.01.2026.

(Aditya Kumar Mohapatra)
Judge