



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLLP No.110 of 2007

Sri Chandi Prasad Sarangi

.....

Petitioner

Represented By Adv. -
None

-versus-

Sri Mohan Lal Agrawal

.....

Opposite Party

Represented By Adv. -
None

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

09.10.2025

Order No.

- 09.
1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical Mode).
 2. No one appears on behalf of either party when the matter is called. Perused the petition as well as the prayer made therein.
 3. The present application has been filed at the instance of the Victim/Informant under Section 378(4) of Cr.P.C. seeking leave to prefer an appeal against the judgment of acquittal dated 01.11.2004 passed by the learned Adhoc Additional District and Sessions Judge, Fast Track Court, Rourkela in Criminal Appeal No.5/16 of 2002-2004 whereby the Accused-Opposite Party has been acquitted.
 4. Although the present leave application was filed in the year 2007, however, the same has remained pending for a long time. The case was last listed on 10.11.2023. Thereafter, the matter was not listed.



5. Though the Petitioner has approached this Court challenging judgment dated 01.11.2004 seeking leave to prefer an appeal against the judgment of acquittal, in the meantime Cr.P.C. has been amended by Act 5 of 2009 w.e.f. 31.12.2009, whereby a proviso has been added to the existing Section 372 of Cr.P.C. In view of the proviso under Section 372 of Cr.P.C., a right has been conferred upon the victim to prefer an appeal against the order of acquittal.

6. Since there is remedy available in the shape of an appeal, no leave is required under Section 378(4) of Cr.P.C.

7. Accordingly, the present application is being disposed of by granting liberty to the Petitioner to move an appeal under the proviso to Section 372 of Cr.P.C., if so advised, within a period of four weeks along with an application for condonation of delay. In such eventuality, learned Appellate Court shall consider the application for condonation of delay taking into consideration the fact that the Petitioner had approached this Court seeking leave and such leave application was pending till date.

(A.K. Mohapatra)
Judge

Debasis

Signature Not Verified

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Date: 10-Oct-2025 18:31:28

