



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLLP No.123 of 2007

State Of Orissa

.....

Petitioner

Represented by Adv. –
Mr. C.M. Singh, ASC

-versus-

Sahadev Barik and others

.....

Opposite Parties

Represented by Adv. -
M/s. Ajaya Kumar
Pradhan

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

17.12.2025

Order No.

Misc Case No.96 of 2007

- 06.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner-State as well as learned counsel for the Respondents-accused. Perused the Misc. Case.
 3. The above noted Misc. Case has been filed under Section 5 of the Limitation Act with a prayer for condonation of delay of 90 days in presentation of the leave application before this Court.
 4. Learned counsel for the State at the outset contended that the abovenoted leave application has been filed under Section 378(1)(3) of the Cr.P.C seeking leave to prefer an appeal against the judgment dated 02.02.2007 in S.T. Case No.280 of 2003 arising out of Raruan P.S. Case No.61 of 2003 by the learned Assistant Sessions Judge, Karanjia in the district of Mayurbhanj. By virtue of



the impugned judgment dated 02.02.2007 the accused-Opposite Parties have been acquitted of the charges levelled against them under Sections 450/354/323/376(2)(g)/379/34 of IPC.

5. In view of the nature and gravity of the allegation, further referring to the grounds taken in the application for condonation of delay. Learned counsel for the Petitioner submitted that the delay in filing the appeal be condoned. Learned counsel for the Opposite Parties-accused persons on the other hand objected to the condonation of delay on the ground that the delay has not been properly explained. He further submitted that as per the law each day's delay is to be explained, failing which the application for condonation of delay is liable to be dismissed.

6. Having heard the learned counsels appearing for both sides, on a careful examination of the grounds taken in the application for condonation of delay, this Court is inclined to condone the delay, subject to payment of a cost of Rs.500/- to the learned counsel appearing for the Opposite Parties and the cost be paid within two weeks from today.

7. List this matter 'for admission' in the week commencing 12.01.2026.

(Aditya Kumar Mohapatra)
Judge

Sisir