



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2232 of 2026

Smt. Ritan Roul @ *Petitioner(s)*
Ritarani & Ors.

Mr. Satya Narayan Mishra 4, Adv.
versus-

State of Odisha *Opposite Party(s)*
Miss Gayatri Patra, ASC

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

ORDER

Order No.

17.07.2026

01.

1. This matter is taken up through hybrid arrangement.
2. In filing the present CRLMC, the Petitioners who are booked for the offences under Sections 323/ 324/ 307/ 506/ 427/ 34 of the I.P.C, have prayed for quashing the impugned order dated 13.05.2026 passed by the learned Assistant Sessions Judge, Basudevpur in S.T. Case No.16/2022, wherein the petition at the instance of the Petitioners under Section 311 of the Cr.P.C has been rejected.

Apart from the above, the Petitioners have also sought for a direction from this Court to the learned Court in *seisin* over the matter for permitting them to conduct further cross-examination of the P.Ws.13 & 14.

3. Heard.



4. Challenging the impugned order dated 13.05.2026, learned counsel for the Petitioners submits that though there is requirement of further cross-examination of the P.Ws.13 & 14 for proper and effective adjudication of the dispute involved in this matter, the learned Court in *seisin* over the matter rejected the petition at the instance of the Petitioners filed for the said purpose under Section 311 of the Cr.P.C without even paying any attention to the grounds taken in the said petition. He submits that though the P.Ws.13 & 14 have been examined, certain questions which are not put during their cross-examination, hinges on the fate of the case and the said questions may decide the position of the present Petitioners.
5. He contends that in order to find-out the truth, there is requirement of further cross examination of the P.Ws.13 & 14 as they are material witnesses. The Petitioners also undertake to bear the cost of to-and-fro expenditure of the P.Ws.13 & 14, if they be directed to come to the dock for their cross-examination. He, accordingly, prays for allowing the prayer made in this CRLMC.
6. At this juncture, learned counsel for the State, in her opposition, submits that the Petitioners are only attempting to linger the above noted proceeding by filing frivolous petitions. Hence, allowing the Petitioners to



bring the P.Ws.13 & 14 to the dock again and again for cross-examination is only the abuse of process of law and only to harass the victim. She also contends that due to such activities of the Petitioners, trial in the above noted case is running in a senile pace which is not conducive to the criminal justice system. She, accordingly, prays for dismissal of this CRLMC.

7. Considering the submissions made on behalf of both the parties, this Court finds that though the provision under Section 311 of the Cr.P.C is wide, the said provision requires to be exercised sparingly and should not be utilized to fill up lacunas in the case of either of the parties. The said provision has also two parts; one is discretionary and the other one is mandatory. At this juncture, considering the submission of learned counsel for the Petitioners, this Court is of the view that in order to find-out the truth a second chance should be provided to the Petitioners for conducting further cross-examination of the P.Ws.13 & 14. This Court, therefore, while setting aside the impugned order dated 13.05.2026 passed in the above noted S.T. Case, directs the learned Court in *seisin* over the matter to allow the Petitioners to conduct further cross-examination of the P.Ws.13 & 14. The further cross-examination of the P.Ws.13 & 14 shall be completed in a single day and no further adjournment



of the matter shall be granted to any of the parties on the said date.

8. The Petitioners are also directed to bear the cost of to-and-fro expenditure of the P.Ws.13 & 14.
9. This CRLMC is, accordingly, disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

Ayaskanta