

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2534 of 2022

Golakha Chandra Pradhan

....

Petitioner

Mr. J.K.Khuntia, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr. S.S.Mohapatra, ASC

CORAM:
JUSTICE R.K.PATTANAİK

ORDER
20.10.2022

Order No.

01.

1. Heard learned counsel for the petitioner.
2. Admit.
3. Learned ASC accepts notice for the State-opposite party No.1.
4. Issue notice to opposite party No. 2, namely, the accused by registered post with A.D. with an early returnable date and for the said purpose, requisites shall be filed by the learned counsel for the petitioner within a week from today positively.
5. List on 22nd November, 2022 awaiting appearance of opposite party No. 2.

(R.K.Pattanaik)
Judge

I.A. No. 2006 of 2022

02.

1. Learned counsel for the petitioner submits that an application under Section 311 of Cr.P.C. was allowed with a questionnaire containing seven questions but instead the learned court below allowed opposite party No.2 to put as many as 24 questions which should not have been permitted. It is further submitted that the prosecution moved the learned court below to expunge the evidence with regard to the extra questions put to the witness but the same was disallowed and was challenged in revision before the Sessions court however the same did not yield any result and against the order of the revisional court, the present CRLMC is filed and according to the learned counsel for the petitioner, the witness could not have been cross-examined with so many questions when it was allowed only for few as per the questionnaire.

2. It is further submitted that till the appearance of opposite party No.2, the further proceeding should be stayed in the interest of justice.

3. As an interim measure, this Court directs that the further proceeding in G.R. Case No. 1579 of 2016 pending before the learned court of JMFC, Kendrapara shall remain stayed till the next date.

4. List on the date fixed.

5. Urgent certified copy of this order be issued as per rules.

(R.K.Pattanaik)
Judge