



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.648 of 2025

Birendra Kumar Nanda* ... *Petitioner

Mr. B. Mohapatra, Advocate

-versus-

Suresh Chandra Nayak* *Opposite Party

CORAM: JUSTICE V. NARASINGH

ORDER

24.03.2026

Order No. I.A. No. 934 of 2025

- 04.** 1. Heard.
2. The Criminal Revision has been preferred assailing the order dated 17.01.2024 in ICC Case No. 105 of 2016 passed by the learned S.D.J.M., Bhubaneswar, by which the complaint case was dismissed for non-prosecution.
3. This I.A. has been filed for condonation of delay of 295 days.
4. In spite of service of notice in this I.A, there was no appearance on behalf of the Opposite Party, which was noted by order dated 10.03.2026 and another opportunity was granted and the matter was adjourned to today (24.03.2026). There is no appearance on behalf of the Opposite party as well.



5. Considering the recitals in the I.A. and the submission of the learned counsel for the Petitioner, this Court is persuaded to hold that "Sufficient cause" in terms of the Apex Court in the case of **Shivamma (Dead) by LRs Vrs. Karnataka Housing Board and others, 2025 SCC Online SC 1969** has been shown. Hence, the aforementioned delay in filing of the CRLREV is condoned.
6. The I.A. is accordingly disposed of.

(V. NARASINGH)
Judge

CRLREV No.648 of 2025

Order No.

- 05.** 1. Taking into account the manner in which the matter was conducted by the learned counsel for the Petitioner as stated in the petition, the impugned order is set aside.

Learned Court in seisin is requested to hear the matter on merits.

2. To cut short any delay, the Petitioner is called upon to appear before the learned SDJM, Balasore on 15.04.2026 to receive further instruction and this



Court has been issued that co-operation shall be extended. Learned Court in seisin is called upon to conclude the proceeding as expeditiously as possible.

3. In the event there is no appearance of the Petitioner on 15.04.2026, it shall be open to the learned SDJM, Balasore to pass the orders in accordance with law.

4. Accordingly, the CRLREV stands disposed of.

(V. NARASINGH)
Judge

Soumya