



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.4235 of 2024

1) *Dusmanta Behera*

.....

Appellants

2) Ruma Dei

Represented By Adv. -
Sandeep Raj Panda

-versus-

1) *State Of Odisha*

.....

Respondents

2) Niranjana Sahoo

Represented By Adv. –
Ms.Sasmita Nayak,ASC

**CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

**ORDER
22.08.2025**

Order No.

05.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr.T.K.Sahu, learned counsel for the Petitioners as well as the learned Additional Standing Counsel for the State. Perused the CRLMC Application as well as the prayer made therein.
3. By filing the present CRLMC application under section 482 Cr.P.C. read with Section 528 of BNSS 2023, the Petitioners seek to invoke the inherent power of this Court to quash the order taking cognizance dated 09.09.2011 and further to quash the entire criminal proceeding in G.R.Case No.526 of 2010 arising out of Astaranga P.S.Case No.67 of



2010 now pending in the Court of the learned J.M.F.C., Nimapara.

4. The abovenoted case was registered on the basis of Astarang P.S.Case No.67 of 2010 for alleged commission of offences punishable under sections 452, 294, 353, 506/34 of the Indian Penal Code. Although the occurrence is of the year 2010 and in the meantime the investigation has been concluded and Charge Sheet was filed in the year 2011 and cognizance of the offence has already been taken vide order dated 09.09.2011 at Annexure-1, trial has not progressed further due to non-attendance of the official witnesses. Learned counsel for the Petitioners at this juncture contended that the Petitioners are being unnecessarily harassed as they are made to appear before the trial court on each and every date fixed over a decade.

5. Taking into consideration the grievance of the Petitioner, a coordinate bench of this Court had called for a status report vide order dated 02.12.2024 from the J.M.F.C., Nimapara. Accordingly status report has been submitted by the learned J.M.F.C., Nimapara on 20.01.2025 and the same is on record. On perusal of the record, this Court observes that although the case is of the year 2010 and in the meantime investigation has been concluded and final charge sheet has been filed and cognizance has been taken since 09.09.2011, however, the case is still pending for recording of evidence of C.S. witnesses. Report further reveals that there are 10 C.S. witnesses, who are to be examined including the official



witnesses including B.D.O., Astarang Block. It has been stated in the report that despite issuance of several summons, the official witnesses are not cooperating with the trial court. Being aggrieved by such delay in conclusion of the trial, the Petitioner has approached this Court for quashing of the entire criminal proceeding.

6. Learned Additional Standing Counsel for the State on the other hand objected to the prayer made in the present CRLMC application. He further contended that it would not be fair to quash the entire criminal proceeding. He further submitted that if more time is allowed to conclude the trial, then in the meantime the learned P.P. shall take steps to ensure that the official witnesses appear before the trial court for early conclusion of the trial.

7. Having regard to the learned counsels for both sides, on a careful examination of the background facts and further taking into consideration the fact that the case is of the year 2010 and cognizance of the offence has been taken way back in the year 2011 and the trial is still pending due to non-appearance of the official witnesses. Taking into consideration the request made by the learned Additional Standing Counsel for the State, this Court grants three months' time to conclude the trial. It is further made clear that in the event the trial court fails to conclude the trial within the stipulated time, the petitioner is granted liberty to approach this Court again for quashing of the criminal proceeding. While disposing of the application this Court further directs that the learned P.P./A.P.P. to take



necessary steps to ensure that the official witnesses appear before the learned trial court and it is also open to the trial court to take coercive measure against the witnesses by issuing B.W./N.B.W.

8. With the aforesaid observation, the CRLMC stands disposed of.

(A.K. Mohapatra)
Judge

RKS

Signature Not Verified

Digitally Signed
Signed by: RAMESH KUMAR SINGH
Designation: AR-CUM-Senior Secretary
Reason: Authentication
Location: High Court of Orissa
Date: 25-Aug-2025 14:20:52

