

(2022) 07 OHC CK 0132
In the Orissa High Court
Case No : Criminal Appeal No.358 Of 2012

Balaram Naik

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 22-07-2022

Acts Referred:

Citation : (2022) 07 OHC CK 0132

Hon'ble Judges : Dr. S. Muralidhar, CJ; S.K. Sahoo, J

Bench : Division Bench

Advocate : S. Sourav, J. Katikia

Final Decision : Disposed Of

Judgement

I.A. No.988 of 2020

1. The Vakalatnama stated to have been filed by Mr. S. Sourav, learned counsel for the Applicant-Appellant be taken on record.

2. The Applicant-Appellant has been in custody for over ten years now. After it was noted by the trial court in para-13 of the impugned judgment that P.W.2 was not in fact an eye-witness because she is supposed to have seen the accused flee away from the scene of occurrence, the case proceeded as one based on circumstantial evidence. The argument on behalf of the Applicant-Appellant is that apart from this one circumstance, the other circumstances do not point to the guilt of the Applicant-Appellant.

3. At this stage without expressing any view on the above contentions, and noting that the Applicant-Appellant has been in custody for more than ten years and since the paper books are not

yet prepared, the appeal is not likely to be heard in the immediate future, the Court directs that the Applicant-Appellant be enlarged on bail subject to the conditions to be laid down by the trial court and to the satisfaction of the trial court.

4. The I.A. is accordingly disposed of.

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5. Mr. S. Sourav, learned counsel appearing for the Appellant undertakes that the fees for the preparation of paper books will be deposited within a week. The paper books be immediately prepared thereafter and supplied to the learned counsel for the parties within eight weeks.

6. Issue urgent certified copy of this order as per rules.

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