

(2023) 01 OHC CK 0057
In the Orissa High Court
Case No : CRLMP No.46 Of 2023

Jharana Khuntia

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 12-01-2023

Acts Referred:

Indian Penal Code, 1860 — Section 363, 366, 376(2)(n), 376(3)
Protection of Children from Sexual Offences Act, 2012 — Section 6, 35, 35(1)

Citation : (2023) 01 OHC CK 0057

Hon'ble Judges : Dr. S.K. Panigrahi, J

Bench : Single Bench

Advocate : P.R.Singh, D. Mund

Final Decision : Disposed Of

Judgement

Dr. S.K. Panigrahi, J

1. This matter taken up through hybrid arrangement.
2. Heard learned counsel for the Petitioner and learned Counsel for the State.
3. In this CRLMP the petitioner has sought for direction of this Court to the learned Judge, Special Court, POCSO, Dhenkanal for early disposal of C.T. (Special) POCSO Case No.42 of 2020 arising out of Kamakhya Nagar P.S. Case No.191 of 2020 for the offence under Sections 363/366/376(3)/376(2)(n) of IPC read with Section 6 of the POCSO Act.
4. Learned counsel for the petitioner submits that after submission of charge sheet the accused /opposite party No.4 was released on bail by order of this Court dated 07.09.2021 in BLAPL No. 9296 of 2020 with certain conditions including the condition of cancellation of bail in the event of violation of condition. But as the accused did not cooperate after release on bail, the bail bond was cancelled and N.B.W. was issued against the accuse/opposite party No.4.
5. From the case record it appears that the learned trial court vide order

dated 23.09.2020 took cognizance of the offense under Sections 363/366/376(3)/376(2)(n) of IPC read with section 6 of the POCSO Act. When the case was posted for hearing, the accused was absconding and trial of the case could not proceed as per the provision laid down under Section 35 of the POCSO Act. Section-35(1) of POCSO Act, 2012 mandates that

“Period of recording of evidence of child and disposal of case-(1) the evidence of the child shall be recorded within a period of thirty days of the special court taking cognizance of the offence and reasons for delay, if any, shall be recorded by the special court (2) The special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognizance of the offence.”

6. In such view of the matter, the learned court in seisin over the matter shall endeavour to complete the trial at the earliest possible considering the mandate of the Act.

7. Accordingly, this CRLMP is disposed of.

8. Urgent certified copy of this order be granted on proper application.

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