
(2023) 03 OHC CK 0155

In the Orissa High Court

Case No : Criminal Appeal No. 451 Of 2022

Lulu Behera @ Nilup @ Nilu @ Nulupa

APPELLANT

Vs

State Of Odisha And Another

RESPONDENT

Date of Decision : 23-03-2023

Acts Referred:

Citation : (2023) 03 OHC CK 0155

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : S.K.Rout, D.Nayak

Judgement

Savitri Ratho, J

1. Mr.S.K.Rout, learned counsel for the petitioner submits that the petitioner is in custody since 11.03.2018 and the case is based on circumstantial evidence and in the meanwhile, 17 witnesses out of 33 chargesheet witnesses have been examined. But the evidence is not clinching so far as culpability of the petitioner is concerned and the co-accused, namely, Mitu Swain @ Munda standing on similar footing as the petitioner has been granted bail by this Court in CRLA No.323 of 2022.

2. Considering the above submissions, issue notice to the respondents.

3. Notice on behalf of respondent No.1 is accepted by Mr.D.Nayak, learned Additional Government Advocate. Requisites for issuance of notice to respondent No.2 by registered post with A.D. shall be filed by 28.03.2023. The notice shall be made returnable within three weeks.

4. List this matter in the week commencing 17th April, 2023.

5. An extra copy of the Memorandum of Appeal be served on Mr. D.Nayak, learned Additional Government Advocate in order to enable him to serve the notice on the respondent No.2 through the IIC, Dhenkanal Sadar P.S.

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