

(2022) 04 OHC CK 0027
In the Orissa High Court
Case No : CRLMC No.508 Of 2022

Sri Dilli Samal And Others

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 05-04-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 294, 313, 323, 498A, 506
Dowry Prohibition Act, 1961 — Section 4

Citation : (2022) 04 OHC CK 0027

Hon'ble Judges : B. P. Routray, J

Bench : Single Bench

Advocate : S.K. Dash, S.N. Mishra

Final Decision : Disposed Of

Judgement

B. P. Routray, J

1. Heard Mr. S.K. Dash, learned counsel for the Petitioners as well as Mr. S.N. Mishra, learned A.G.A. for the State-Opposite Party.

2. The prayer of the Petitioners to further cross-examine P.W.6 was rejected by the Additional Sessions Judge, Parlakhemundi which is challenged in the present petition before this Court.

3. The offences are under Secs.498-A/313/294/323/506/34, I.P.C. and Sec.4 of the D.P. Act. It reveals from the copy of the deposition of said P.W.6 that her further cross-examination was declined as no-one present for the accused on call.

4. It is submitted by the Petitioners that their lawyer was late in coming to the court on that particular date and the petition filed after 15 minutes was not entertained by the learned Additional Sessions Judge.

4. Upon perusal of the entire deposition of said P.W.6, who is the informant and the key witness, it reveals that the accused has not cross-examined her substantially. As such her further cross-examination is very much necessary for

just decision of the case. The Petitioner is permitted to further cross-examine the said witness on recall.

5. Accordingly, the learned trial court is directed to take steps for further cross-examination of P.W.6 on her recall by fixing a suitable date. It is made clear that failing to cross-examine said P.W.6 on the date so fixed by the trial court, the Petitioners shall not be granted any further opportunity for the same.

6. With the aforesaid direction, the CRLMC is disposed of.

7. An urgent certified copy of this order be granted on proper application.

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