
(2022) 12 OHC CK 0022
In the Orissa High Court
Case No : Writ Petition (C) No.32236 Of 2022

Subarnamala Nayak

APPELLANT

Vs

State Of Odisha And Other

RESPONDENT

Date of Decision : 02-12-2022

Acts Referred:

Constitution of India, 1950 — Article 226
Code of Criminal Procedure, 1973 — Section 300

Citation : (2022) 12 OHC CK 0022

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : Trilochan Barik, A.K. Sharma

Judgement

Arindam Sinha, J.

1. Mr. Barik, learned advocate appears on behalf of petitioner and submits, inspite of conclusion of Fake Caste Certificate case against his client, again there has been initiation of another. He submits, this is not permissible in law. He draws attention to final order dated 28th March, 2009 in Fake Caste Certificate Case no.50 of 2008 against his client, whereby it was unanimously held that the allegation is not a fact and reasons given. He relies on judgment of the Supreme Court in Madhuri Patil v. Addl. Commissioner, Tribal Development reported in AIR 1995 SC 94, paragraph-11, reproduced below.

"11. The order passed by the Committee shall be final and conclusive only subject to the proceedings under Article 226 of the Constitution."

(emphasis supplied)

2. On query from Court it is ascertained that Code of Criminal Procedure, 1973, in section 300 provides that a person once acquitted is not to be tried for the same offence.

3. Mr. Sharma, learned advocate, Additional Government Advocate appears on

behalf of State and prays for adjournment to obtain instruction.

4. List on 8th December, 2022.

5. Impugned Fake Caste Certificate case is not to be proceeded with till next date.

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