

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No. 93 of 2022

An application under Articles 226 and 227 of the Constitution of India

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- 1. D. Anita Majhi @ Mila**
 - 2. Nikita Majhi @ Minati @ Bumbuli Narengeke**
 - 3. Sushanti Majhi @ Jhunu** **Petitioners**

-versus-

State of Odisha and Ors. **Opposite Parties**

For Petitioner : Mr. P.K. Jena, Advocate

For Opposite Parties : Mr. J. Katikia,
Addl. Government Advocate

CORAM:
HONOURABLE MR. JUSTICE S. TALAPATRA
HONOURABLE MISS JUSTICE SAVITRI RATHO

JUDGMENT
9th February, 2023

S. Talapatra, J We have heard Mr. P.K. Jena, learned counsel appearing for the Petitioners as well as Mr. J. Katikia, learned Additional Government Advocate appearing for the State-Opposite Parties.

2. By means of this petition, the Petitioners have urged this court to quash the cases catalogued under Annexure-1,

which are pending against the Petitioners either in the investigation stage or where the trial has been held up. A catalogue of those cases where the trial has commenced, but not concluded have been provided by the Petitioners including their status on the day of filing of the writ petition.

3. Mr. Jena, learned counsel appearing for the Petitioners in his submission has drawn our attention to similar other cases where the Petitioners have already been acquitted. He has further added that Petitioners are being hunted by the State for their social activities, non-violent and peaceful in nature. But the State has, without any foundation, considered their activities as hostile to the State and deliberately branded their activities as “extremist” which are absolutely unfounded and unsustainable. On similar allegations, several other cases were filed against the Petitioners and they have been acquitted in those cases after trial, as would be evident from the table below.

CASES IN WHICH PETITIONERS WERE ACQUITTED

Sl.No.	P.S. Case No. & Date	G.R. Case No.	Trial Court & ST Case No.	Acquitted on
1	Adava P.S. No.	73/2010(C)	Sessions Judge, Gajapati Paralakhemundi (81/2014)	04.07.2016

2.	Adava P.S. No.26 Dt.12/13.05.2010	113/2010(D)	Sessions Judge, Gajapati Paralakhemundi (83/2014)	18.11.2016
3.	Mohana P.S. No.24 Dt.11.03.2013	40/2013	Sessions Judge, Gajapati Paralakhemundi (75/2014)	15.03.2018
4.	Mohana P.S. No.19 Dated 28.02.2014	22/2014	Sessions Judge, Gajapati Paralakhemundi (84/2014)	16.07.2018
5.	Mohana P.S. No.21 Dtd.08.03.2013	38/2013	Adl. Sessions Judge, Gajapati Paralakhemundi (79/2014)	04.07.2017
6.	Adava P.S No. 14 Dated 24.03.2010	16/2010 (D)	Sessions Judge, Gajapati Paralakhemundi (78/2014)	23.06.2017
7.	Adava P.S No. 23 Dated 01.05.2010	105/2010(B)	Sessions Judge, Gajapati Paralakhemundi (82/2014)	15.03.2017
8.	Adava P.S No. 58 Dated 23.10.2010	221/2010(B)	Sessions Judge, Gajapati Paralakhemundi (80/2014)	17.02.2017
9.	Adava P.S No. 17 Dated 20.10.2011	135/2011	Adl. Sessions Judge, Gajapati Paralakhemundi (77/2014)(T)	01.07.2015
10.	Mohana P.S No. 84 Dated 21 .12.2010	250/2010(A)	Sessions Judge, Gajapati Paralakhemundi (76/2014)	22.08.2017

It may be noted that the above catalogue of cases in which the Petitioners have been acquitted was prepared on the date of filing of the writ petition i.e. on 22.07.2022. The status of these cases has been updated by the affidavits filed by the parties. The updated status would be discussed later.

4. Mr. Jena, learned counsel appearing for the Petitioners has empathetically stated that the grievances of the Petitioners in nutshell are that (i) there is inordinate delay in completion of investigation and filing the police report (ii) in some cases, though the charge-sheet has been filed there is inordinate delay in taking cognizance of the offence for not submitting the sanction from the designated authority and the courts have been waiting for a long time which is not expected of the courts, (iii) in some cases, the Petitioners were not even produced before the Magistrates at regular intervals as required by the law (iv) in some cases, trial in respect of the accused commenced but the Petitioners were not produced to face the trial along with the other co-accused, (v) in some cases, trial has begun but the cases are repeatedly adjourned for non-attendance of the prosecution witnesses and (vi) the Petitioners were not informed about some cases pending against them, even though they are in the judicial custody. According to Mr. Jena, learned counsel in some cases, this court was pleased to intervene and direct the State to produce the Petitioners, where they were not produced.

5. The decision in ***Hussainara Khatoon & Ors. vs. Home Secretary, State Of Bihar, Patna***: AIR 1979 SC 1369 has been pressed into service. Apart that, in Paragraph-9 of the writ petition, the Petitioners have made reference to the common judgment delivered in CRLMC No.2358 of 2019 and CRLMC No.2359 of 2019, instituted by the Petitioners, where it has been observed that “*the Petitioners are in the judicial custody for nearly six years and hence, the court is of the considered view that there is an urgent need and necessity to direct the concerned courts to expedite disposal of the cases and complete the trial within the stipulated time*”. It has been further observed in the said common order that the Petitioners continued to be detained without being produced and remanded by the concerned court below for *non-availability of security escort*, a phenomenon which cannot be appreciated. It has been observed that since the Petitioners are shown to have been implicated after four years from the date of the alleged incident, following the principle as enunciated in ***Hussainara Khatoon*** (supra), this court was pleased to direct the courts below, where the cases of the Petitioners were pending to enlarge them on bail taking into account the peculiar facts and

circumstances of the cases. It has been further directed that the court concerned shall expedite early commencement of trial and ensure its completion preferably within a period of six months and unless there is un-surmountable impediment, the Petitioners shall be released on bail on appropriate terms and conditions as deemed just and proper. The said common order dated 07.01.2022 is available at Annexure-2 to the writ petition.

6. Mr. Jena, learned counsel has submitted that the present Petitioners are in the judicial custody for over last eight years being implicated in a slew of cases. The Petitioners cannot be blamed for the said delay in progress of the trial and as such, it is the duty of the State to take all such appropriate steps to complete the trial, as expeditiously as possible in just and fair manner. To buttress his contention, Mr. Jena, learned counsel has referred to the observation made in ***Hussainara Khatoon*** (supra) by the Apex Court, which reads as follows:

“There is also one other infirmity of the legal and judicial system which is responsible for this gross denial of justice to the under-trial prisoners and that is the notorious delay in disposal of cases. It is a sad reflection on the legal and judicial system that the

trial of an accused should not even, commence for a long number of years. Even a delay of one year in the commencement of the trial is bad enough: how much worse could it be when the delay is as long as 3 or 5 or 7 or even 10 years, speedy trial is of the essence of criminal justice and there can be no doubt that delay in trial by itself constitutes denial of justice. It is interesting to note that in the United States, speedy trial is one of the constitutionally guaranteed rights. The Sixth Amendment to the Constitution provides that, in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial. So also Article 3 of the European Convention on Human Rights provides that, every one arrested or detained shall be entitled to trial within a reasonable time or to release pending trial.”

7. Having referred to ***Maneka Gandhi vs. Union of India***: (1978) 2 SCR 621, it has been further held in ***Hussainara Khatoon*** that Article 21 confers a fundamental right on every person not to be deprived of his life or liberty except in accordance with the procedure prescribed by law. The procedure should be reasonable, fair and just. If a person is deprived of his liberty under a procedure which is not reasonable, fair or just, such deprivation would be violative of his fundamental right protected under Article 21 and he would

be entitled to enforce such fundamental right and secure his release. No procedure which does not ensure a speedy trial can be regarded as reasonable fair or just and it would play foul with the provisions of Article 21. In ***Hussainara Khatoon*** (supra) it has been further observed as follows:

“There, can, therefore, be no doubt that speedy trial, and by speedy trial we mean reasonably expeditious trial, is an integral and essential part of the fundamental right to life and liberty enshrined in Article 21. The question which would, however, arise is as to what would be the consequence if a person accused of an offence is denied speedy trial and is sought to be deprived of his liberty by imprisonment as a result of a long delayed trial in violation of his fundamental right under Article 21. Would he be entitled to be released unconditionally freed from the charge leveled against him on the ground that trying him after an unduly long period of time and convicting him after such trial would constitute violation of his fundamental right under Article 21? That is a question we shall have to consider when we hear the writ petition on merits on the adjourned date. But one thing is certain and we cannot impress it too strongly on the State Government that, it is high time that the State Government realised its responsibility to the people in the matter of administration of justice and set up more courts for the trial of cases.”

8. In the case in hand, the Petitioners are languishing in custody for about 8 years. During their detention to their dismay, they were shown to be accused in some cases in which investigation is pending. Mr. Jena, learned counsel has emphasized that in all the similar types of cases, where the trial has been completed, the Petitioners were acquitted as there was no evidence against them. This is a ploy to keep the Petitioners behind the bars. The delay in completing the trial appears un-surmountable and the Petitioners' right enshrined under Article 21 is offended every day.

9. In *Abdul Rehman Antulay and Ors. vs. R.S. Nayak and Ors.* : 1992 AIR 1701, the Apex Court while delving on the right to speedy trial held that it encompasses all the stages, namely the stage of investigation, inquiry, trial, appeal, revision and retrial. The concerns underlying the right to speedy trial as highlighted in *Abdul Rehman Antulay* (supra) are as follows:

“(a) the period of remand and pre-conviction detention should be as short as possible. In other words, the accused should not be subjected to unnecessary or unduly long incarceration prior to his conviction.

(b) the worry, anxiety, expense and disturbance to his vocation and peace, resulting from an unduly prolonged the investigation, inquiry or trial should be minimal; and

(c) undue delay may well result in impairment of the ability of the accused to defend himself, whether on account of death, disappearance or non-availability of the witness or otherwise.”

10. It has been asserted that this Court in some bail petitions viz, BLAPL No.4362/2019 and BLAPL No.4363/2019 concerning the Petitioners having rejected the prayer of bail had specifically directed the trial courts to complete the trial as expeditiously as possible. The Petitioners are poor tribal ladies and they intended to improve their standard of life. To achieve their cause, they have participated in certain non-violent activism. According to Mr. Jena, learned counsel, it is the fundamental right of the Petitioners in a democracy to voice their grievances and that activism cannot be brought within the fold of criminality in the manner that has been done by the State in the cases of the Petitioners. It reflects poorly on functioning of a democracy.

11. Mr. J. Katikia, learned Additional Government Advocate has raised the question of maintainability of this writ petition for issuance of a writ of habeas corpus. True it is that the present writ petition cannot be entirely treated as a writ petition for a writ of habeas corpus. But in view of the various judgments, such as *Hussainara Khatoon* (supra) and the *Common Cause vs. Union of India and others*: (1996) 4 SCC 33 the detention of the Petitioners for more than 8 years is serious infringement of fundamental right to liberty. The Petitioners have approached this court for issuance of the writ of habeas corpus for their release. Mr. Katikia, learned Additional Government Advocate has relied on the decision of the Apex Court in *Manubhai Ratilal Patel Tr. Ushaben vs. State of Gujarat and Ors.*: (2013) 1 SCC 314, where the Apex Court held that unless the writ court is satisfied that a person has been committed to jail custody by virtue of an order that suffers from the vice of lack of jurisdiction or absolute illegality, the writ of habeas corpus cannot be issued.

12. We are of the considered view that, in this case, a writ of habeas corpus cannot be issued, but the fundamental

constitutional aspects, as raised by the Petitioners need our consideration.

13. The Petitioners are poor tribal ladies. They cannot be pushed to further litigation by merely accepting the technical objection raised by Mr. Katikia, learned Additional Government Advocate. We shall lay our observations later, after scrutinizing the statements and the information made available to us.

14. The State through the Opposite Party No.2 has filed an affidavit in terms of our order dated 09.09.2022, as we expressed doubt about the status of the cases pending against the Petitioners. By our order dated 09.09.2022, we directed the State to file a short affidavit. In compliance, the Opposite Parties No.2 and 3 have filed two affidavits respectively on 05.09.2022 and 08.09.2022. In those affidavits, the State has provided the status of the cases as referred in the writ petition and also the status of the investigation, wherever it is relevant. Another affidavit has been filed by the Opposite Party No.2 on 19.10.2022 by showing the cases pending against each of the writ petitioners.

15. For purpose of reference, the cases which are pending against the Petitioner No.2, namely, Nikita Majhi @ Minati @ Bumbuli Nrengke from the Ganjam District are as follows:

Details of Cases Registered Against Nikita Majhi @ Minati @ Bumbuli Nrengke In Sorada P.S.

Sl. No.	SORADA P.S. CASE REFERENCE	GR.NO.	CASE IN WHICH THE TRIAL COMMENCED BUT IT IS NOT CONCLUDED	CASES PENDING IN THE STAGE OF INVESTIGATION	CASES PENDING BEFORE THE HON'BLE COURT
1	Case No.129 dtd.31.12.12 U/s.121/120(b)/121-A/124-A/435 IPC/7 CRLA Act -1982/17 CRLA Act-1908/Sec.3 the young persons harmful publication Act- 1956	02/2013(A)/ ST No.136/18	Judgment on 15.10.2022	Disposed	ADJ, Bhanjanagar
2.	Case No.95 dtd.12.11.2011 U/s.10/16/18/20 UAP Act/Sec.4 & 5 of Explosive Substance Act	No.145/11- A/ST No.135/18	Judgment closed on 13.09.2022	Disposed	ADJ, Bhanjanagar
3.	Case No.123 dtd.22.12.2012 U/s.307/34/121/120-B IPC/16/18/18-A/20 UAP Act./4 & 5 Explosive Substance Act	No.199/12- A/ST No.134/18	Judgment on 14.09.2022	Disposed	ADJ, Bhanjanagar
4.	Case No.128 Dtd.31.12.2012 U/s.121/120-B/121-A/124-A/435 IPC/7 CRLA Act.- 1932/17 CRLA Act-1908/Sec.3 The young persons harmful publication Act- 1956	No.01/13- A/ST No.137/18	Judgment on 14.10.2022	Disposed	ADJ, Bhanjanagar
5.	Case No.106 Dtd.21/12/2011 U/s.144/148/149/435/IP C/7 CRLA Act-1932/17 CRLA Act 1908/16/17/18/20 UAP Act-2008/25(1-B) Arms Act./Sect.3 The young persons harmful publication Act-1956/3 & 4 Explosive Substance Act	No.164/11- A/ST No.56/20	(Total 15 Witness) No witnesses examined	Trial Stage	ADJ, Bhanjanagar

The cases registered against the Petitioner No.2
in Badagada P.S. as per statement made by the Opposite Party
No.2 are as follows:

**Details of Cases Registered Against Nikita Majhi @ Minati
@ Bumbuli Nrengeke In Badagada P.S.**

Sl.No.	BADAGADA P.S. CASE REFERENCE	GR. NO.	CASE IN WHICH THE TRIAL COMMENCED BUT IT IS NOT COCLUDED	CASES PENDING IN THE STAGE OF INVESTIGATION	CASES PENDING BEFORE THE HON'BLE COURT
1.	Case No.18 dtd.22.02.2010 U/s.121/121/A/1 20-B/124-A/34 IPC/Sec.19/13/1 6/18-A UAP Act/Sec.3 & 4 E.S. Act	No.27/2 010	The case has been split up into ST-87/16,162/17,133/18,131/15,100/20 in the case Total 16 No. of witnesses are examined out of 16 witness ST-87/16 (2 nos.) ST-162/17 (4 nos.), ST-133/18(7nos), ST-131/15 (4 nos), ST-100/20 (15 Nos. witness not been examined till now	The case is under trial	ADJ, Bhanjanagar
2.	Case No.06 Dtd.24.01.2011 U/s.120- B/121/121- A/124-A/Sec.7 CRLA Act/Sec.10/16/1 8-A/13/20/39/40 UAP Act.	No.164/ 11A/ST- 56/20	The case has been split up into ST-86/16, 61/17,132/15,99/20 in the case Total 14 No. witnesses are examined but in ST No.86/16 (1 nos.), ST-132/15 (1 nos), ST-99/20 (16 Nos.) of witness are to be examined	The case is under trial	ADJ, Bhanjanagar
3.	Case No.28 Dtd.30.04.2012 U/s.307/292 IPC/16/18/20 UAP Act./7 & 17 CRLA Act./Sect.25 (1- B(a)/27 Arms	No.54/ 12	The charges against the accused persons have been framed on 17.01.2022	No. witnesses have been examined till date	ADJ, Bhanjanagar

	Act./Sec.3 The young persons harmful publication Act-1956/3 & 4 Explosive Substance Act				
4.	Case No.4 Dtd.19.01.2011 U/s.120-B/121/121-A/435/379/149 IPC/Sec.17 of CRLA Act./Sec.10/13/16/18-A/20/39/40 of UAP Act.	No.06/11	The case is under trial	The case has been splitted up into ST.53/20,55/20,08/21,37/21,94/20, Total 16 Nos. of Witnesses Examined 02 More witnesses have not been examined	ADJ, Bhanjanagar
5.	Case No.45/13 Dtd.14/04/2013 U/s.120-B/121/121-A/122/124-A/307 IPC/Sec.25(1-B)(a)/27 Arms Act/Sec.3&4 E.S. Act./Sec.3 The young persons harmful publication Act-1956/3 & 4 Explosive Substance Act	No.66/2013	The case is under trial	--	ADJ, Bhanjanagar
6.	Case No.05 Dtd.19.01.2011 U/s-120-B/121/121-A/124-A/435/436 IPC	No.07/2011	Judgment	Judgment has been pronounced on 19.08.2022 and the accused persons are found not guilty	ADJ, Bhanjanagar

16. So far as the Petitioner No.3, namely, Sushanti Majhi @ Jhunu is concerned, it has been informed by the State that the following cases are pending in the Badagada P.S.

**DETAILS OF CASES REGISTERED
IN BADAGADA P.S.**

Sl.No.	BADAGADA P.S. CASE REFERENCE	GR. NO.	CASE IN WHICH THE TRIAL COMMENCED BUT IT IS NOT COCLUDED	CASES PENDING IN THE STAGE OF INVESTIGATION	CASES PENDING BEFORE THE HON'BLE COURT
1	Case No.18 dtd.22.02.2010 U/s.121/121/A/120-B/124-A/34 IPC/Sec.19/13/16/18-A UAP Act/Sec.3 & 4 E.S. Act	No.27/ 2010	The case has been split up into ST-87/16,162/17,133/18,131/15,100/20 in the case Total 16 No. of witnesses are examined out of 16 witness ST-87/16 (2 nos.) ST-162/17 (4 nos.), ST-133/18(7nos), ST-131/15 (4 nos), ST-100/20 (15 Nos. witness not been examined till now	The case is under trial	ADJ, Bhanjanagar
2.	Case No.06 Dtd.24.01.2011 U/s.120-B/121/121-A/124-A/Sec.7 CRLA Act/Sec.10/16/18-A/13/20/39/40 UAP Act.	No.16 4/11A /ST- 56/20	The case has been splitted up into ST-86/16, 61/17,132/15,99/20 in the case Total 14 No. witnesses are examined but in ST No.86/16 (1 nos.), ST-132/15 (1 nos), ST-99/20 (16 Nos.) of witness are to be examined	The case is under trial	ADJ, Bhanjanagar
3.	Case No.28 Dtd.30.04.2012 U/s.307/292 IPC/16/18/20 UAP Act./7 & 17 CRLA Act./Sect.25 (1-B(a)/27 Arms Act./Sec.3 The young persons harmful publication Act-1956/3 & 4 Explosive Substance	No.54/ 12	The charges against the accused persons have been framed on 17.01.2022	No. witnesses have been examined till date	ADJ, Bhanjanagar

	Act				
4.	Case No.4 Dtd.19.01.2011 U/s.120-B/121/121-A/435/379/149 IPC/Sec.17 of CRLA Act./Sec.10/13/16/18-A/20/39/40 of UAP Act.	No.06/ 11	The case is under trial	The case has been splitted up into ST.53/20,55/ 20,08/21,37/ 21,94/20, Total 16 Nos. of Witnesses Examined 02 More witnesses have not been examined	ADJ, Bhanjanagar
5.	Case No.45/13 Dtd.14/04/2013 U/s.120-B/121/121-A/122/124-A/307 IPC/Sec.25(1-B)(a)/27 Arms Act/Sec.3&4 E.S. Act./Sec.3 The young persons harmful publication Act-1956/3 & 4 Explosive Substance Act	No.66/ 2013	The case is under trial	--	ADJ, Bhanjanagar
6.	Case No.05 Dtd.19.01.2011 U/s- 120-B/121/121-A/124-A/435/436 IPC	No.07/ 2011	Judgment	Judgment has been pronounced on 19.08.2022 and the accused persons are found not guilty	ADJ, Bhanjanagar

17. By a separate affidavit filed by the Opposite Party No.3, it has been stated that the Petitioner No.2 is involved in 22 cases of Gajapati district and the charge-sheets have been filed in all those cases and out of those 22 cases, the Petitioner No.2 has been acquitted in 09 cases and 13 cases are pending for trial. Those are described in two tables below:

Cases where acquittal has been ordered

1	44/10 68/10	Adava PS Case No.14. dtd. 24.03.2010, 147/148/435/120(B)/ 121/121(A)/124(A)/427/149 IPC /25 Arms Act/17 Cr.L.A. Act/10/13 of U.A. (P) Act	Acquittal
2	47/10 73/10	Adava PS Case No.15. dtd. 25.03.2010, 147/148/435/120(B)/ 121/121(A)/124(A)/427/149 IPC /17 Cr.L.A. Act/10/13 of U.A. (P) Act/3 P.D.P.P. Act	Acquittal
3.	54/10 105/10	Adava PS Case No.23. dtd. 01.05.2010 u/s.120(B)/121/124(A)/149 IPC/25 Cr.L.A. Act/3 & 4 E.S. Act/10/13 of U.A. (P) Act/17 Cr.L.A. Act	Acquittal
4	58/10 221/10	Adava PS Case No.26. dtd. 12.05.2010, 147/148/302/395/120(B)/121/121(A)/124(A)/149 IPC/25/27 Arms Act/17 Cr.L.A Act/10/13/16/18/20 of U.A. (P) Act.	Acquittal
5.	86/10 221/10	Adava PS Case No.58. dtd. 23.10.2010, 120(B)/121/121(A)/124(A) IPC/25/27 Arms Act/17 Cr.L.A Act/10 &13 U.A. (P) Act.	Acquittal
6.	92/10	Mohana PS Case No.84 dt. 21.12.10 U/s.147/148/342/120(B)/121/121(A)/436/506/149 IPC/25/27 Arms Act/17 Cr.L.A. Act/10/13 U.A. (P) Act	Acquittal
7.	67/11	Adava PS Case No.37. dtd. 20.10.2011 U/s. 147/148/120(B)/121/121(A)/124(A)/149 IPC/17 Cr.L.A Act/16/18 of U.A. (P) Act.	Acquittal
8.	22/13	Mohana PS Case No.24 dtd. 11.03.2013 U/s.147/148/307/120(B)/121(A)/124 (A)149 IPC/25/27 Arms Act/17 Cr.L.A. Act/16,18,20,23,38 of U.A. (P) Act	Acquittal
9.	22/14	Mohana PS Case No.19 dtd. 28.02.2014 U/s.147/148/120(B)/121/121(A)/124(A) 149 IPC/17 Cr.L.A. Act/25/ Arms Act/4(b)9i)/5(a) E.S. (Amendment) Act, 2001/17/18/18(a)/20/23(1) U.A. (P) Act	Acquittal

Cases where trial is pending against the Petitioner

No.2 have been provided in a table:

1.	10/09 29/09	Adava PS Case No.7 Dt.16.02.09 u/s.121/121- A/124(A)/307/427/332/333 IPC/25/27 Arms Act/3 & 4 E.S. Act/17 Cr.L.A. Act/10/13 U.A.(P) Act	Charge sheeted /pending trial
2.	101/09 260/09	Adava PS Case No.43. dtd. 28.12.09, u/s.147/148/435/120(B)/ 121/121(A)/124(A)/149 IPC /25/27 Arms Act/ 17	Charge sheeted /pending

		Cr.L.A. Act/3 P.D.P.P. Act/ 10/13 U.A. (P) Act	trial
3.	102/09 261/09	Adava PS Case No.44. dtd. 28.12.2009, u/s.147/148/435/120(B)/ 121/121(A)/124(A)/149 IPC /25/27 Arms Act/ 17 Cr.L.A. Act/3 P.D.P.P. Act/ 10/13 U.A. (P) Act	Charge sheeted /pending trial
4.	103/09 262/09	Adava PS Case No.45. dtd. 28.12.2009, u/s.147/148/435/120-B/ 121/121(A)/124(A)/149 IPC /25/27 Arms Act/ 17 Cr.L.A. Act/10/13 U.A. (P) Act/ 3 P.D.P.P. Act	Charge sheeted /pending trial
5.	104/09 263/09	Adava PS Case No.46. dtd. 28.12.2009, u/s.147/148/435/120-B/ 121/121(A)/124(A)/149 IPC /25/27 Arms Act/ 17 Cr.L.A. Act/3 P.D.P.P. Act/ 10/13 U.A. (P) Act	Charge sheeted /pending trial
6.	105/09 264/09	Adava PS Case No.47. dtd. 30.12.2009, u/s.147/148/435/120-B/ 121/121(A)/124(A)/149 IPC /25/27 Arms Act/ 17 Cr.L.A. Act/10/13 U.A. (P) Act	Charge sheeted /pending trial
7.	87/10 233/10	Adava PS Case No.63. dtd. 05.11.2010, u/s.147/148/120(B)/ 121/121(A)/124(A)/149 IPC /25/27 Arms Act/ 17 Cr.L.A. Act/10 &13 U.A. (P) Act	Charge sheeted /pending trial
8.	03/11 2/11	Adava PS Case No.01. dtd. 10.01.2011, u/s.147/148/435/427/120(B)/ 121/121(A)/124(A)/283/149 IPC /25/27 Arms Act/ 17 Cr.L.A. Act/10 &13 U.A. (P) Act, 3 PDPP Act.	Charge sheeted /pending trial
9.	53/12 99/12	Mohana PS Case No.40. dtd. 22.06.2012, u/s.120(b)/121/121(a)/124(A)/468 IPC/17 Cr.L.A. Act/16/18/20 UAP Act	Charge sheeted /pending trial
10	118/12 184/12	Mohana PS Case No.71. dtd. 19.11.2012, u/s.120(b)/121/121(a)/124(a) IPC/17 Cr.L.A. Act/25/27/ Arms Act/3 & 4 E.S. Act/16/18/20 UAP Act	Charge sheeted /pending trial
11.	120/12 191/12	Mohana PS Case No.73 dtd. 05.12.2013 u/s.120(B)/121/121(A)/124 (A)/153(B) IPC/17 Cr.L.A. Act /25 Arms Act/3 & 4 E.S. Act /16,18,20,38 of U.A. (P) Act	Charge sheeted /pending trial
12	21/13 38/13	Mohana PS Case No.21 dtd. 8.3.2013 u/s.147/148/307/386/364/368/120(B)/121/121(A)/124 (A)/153(B) /149 IPC/25/27 Arms Act/16,18,18-A,23 of U.A. (P) Act	Charge sheeted /pending trial
13.	117/12	Mohana PS Case No.69 dtd. 14.11.2012 u/s.147/148/307/120(B)/121(A)/124 (A)/153(B) /149 IPC/25/27 Arms Act/17 (2) Cr.L.A. Act/3& 4 E.S. Act/16/19/20 U.A. (P) Act	Charge sheeted /pending trial

18. So far as the Petitioner No.3 is concerned, she is involved in 15 cases and the charge sheets have been

submitted in all these cases. Out of 15 cases, she has been acquitted in 05 cases and 10 cases are still pending for trial. The details of the cases where the Petitioner No.3 has been acquitted are given in a table below:

LIST OF ACQUITTAL CASES

1.	Mohahana PS Case No.21 . Dtd. 8.03.2013 u/s.147/148/307/386/364/368/120(B)/121/121(A)/124(A)/153(B)/149 IPC/25/27 Arms Act/16,18,18-A, 23 of UAP Act	Acquittal
2.	Mohahana PS Case No.84 . Dtd. 21.12.10 u/s.147/148/342/120(B)/121/121(A)/436/506/149 IPC/25/27 Arms Act/17 Cr.L.A. Act/10/13 of U.A.(P) Act	Acquittal
3.	Adava PS Case No.37 Dtd. 20.10.2011 u/s.147/148/120(B)/121/121(A)/124(A) 149 IPC/17 Cr.L.A. Act/16/18 of U.A.(P) Act	Acquittal
4.	Mohahana PS Case No.24 dtd. 11.3.2013 u/s.147/148/307/120(B)/121(A)/124(A)/149 IPC/25/27 Arms Act/17 Cr.L.A. Act/16,18,20,23,38 of UAP Act	Acquittal
5.	Mohahana PS Case No.19 dtd. 28.02.2014 u/s.147/148/120(B)/121/121(A)/124(A)/149 IPC/17 Cr.L.A. Act /25 Arms Act/4(b)(i)/5(a) E.S. (Amendment) Act, 2001/17/18/18(a)/20/23 (1) UAP Act	Acquittal

19. In the affidavit filed by the Opposite Party No.3, the list of cases pending for trial against the Petitioner No.3 has been disclosed in the form of a table, which is reproduced below:

LIST OF CASES PENDING TRIAL

1	Adava PS Case No.14. dtd. 24.03.2010, 147/148/435/120(B)/ 121/121(A)/124(A)/427/149 IPC /25 Arms Act/17 Cr.L.A. Act/10/13 of U.A. (P) Act (SR No.44/10)	Charge sheeted /Pending Trial
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2	Adava PS Case No.15. dtd. 25.03.2010, 147/148/435/120(B)/ 121/121(A)/124(A)/427/149 IPC /17 Cr.L.A. Act/10/13 of U.A. (P) Act/3 P.D.P.P. Act	Charge sheeted /Pending Trial
3.	Adava PS Case No.23. dtd. 01.05.2010 u/s.120(B)/121/124(A)/149 IPC/25 Cr.L.A. Act/3 & 4 E.S. Act/10/13 of U.A. (P) Act/17 Cr.L.A. Act	Charge sheeted /Pending Trial
4	Adava PS Case No.26. dtd. 12.05.2010, 147/148/302/395/120(B)/121/121(A)/124(A)/149 IPC/25/27 Arms Act/17 Cr.L.A Act/10/13/16/18/20 of U.A. (P) Act.	Charge sheeted /Pending Trial
5.	Adava PS Case No.63. dtd. 05.11.2010, u/s.147/148/120(B)/121/121(A)/124(A)/149 IPC/25 & 27 Arms Act/17 Cr.L.A Act/10 &13 U.A. (P) Act.	Charge sheeted /Pending Trial
6.	Adava PS Case No.01. dtd. 10.01.2011, u/s.147/148/435/427/120(B)/121/121(A)/124(A)/283/149 IPC/25 Arms Act/17 Cr.L.A Act/10 /13 U.A. (P) Act, 3 PDPP Act	Charge sheeted /Pending Trial
7.	Mohana PS Case No.40 dtd. 22.06.2012 U/s.120(b)/121(a)/124 (A)/468 IPC/17 Cr.L.A. Act/16/18/20 of U.A. (P) Act	Charge sheeted /Pending Trial
8.	Mohana PS Case No.71 dtd.19.11.12 u/s. 120(b)/121/121(a)/124 (a) IPC/17 Cr.L.A. Act/25/27 Arms Act/3 &4 E.S. Act/16/18/20 of U.A. (P) Act	Charge sheeted /Pending Trial
9.	Mohana PS Case No.73 dtd.05.12.2012 u/s. 120(B)/121(A)/124 (A)/153(B) IPC/17 Cr.L.A. Act/25 Arms Act/3 &4 E.S. Act/16,18, 20, 38 of U.A. (P) Act	Charge sheeted /Pending Trial
10.	Mohana PS Case No.69 dtd.14.11.12 u/s. 147/148/307/120(B)/121(A)/124 (A)/153(B) /149 IPC/25 /27 Arms Act /17(2) Cr.L.A. Act/ 3 &4 E.S. Act/16/19/20 of U.A. (P) Act	Charge sheeted /Pending Trial

20. So far as the Petitioner No.1 is concerned, it has been stated that, she is involved in 06 cases under the Sorada P.S. and 06 cases under the Badagada P.S. of Ganjam district. The list of those cases has been provided in two separate tables, which are reproduced hereunder:

**Details of cases registered against the Petitioner
No.1 in Sorada P.S. and their status**

Sl.No.	Sorada PS Case reference	GR No.	Case in which the trial commenced but it is not concluded	Cases pending in the stage of Investigation	Cases pending before the Hon'ble Court
1.	Sorada PS Case No.129 dtd.31.12.12 U/s.121/120(B)/121-A/124-A/435 IPC/7 Cr.LA Act -1932/17 Cr.LA Act-1908/Sec.3 The young persons (Harmful Publication Act-1956	02/13(A)	Pending for I.Os deposition	Trial stage	ADJ, Bhanjanagar
2.	Sorada P.S.Case No.95 dtd.12.11.2011 U/s.10/13/16/18/20 UAP Act/Sec.4 & 5 of Explosive Substance Act	145/11(A)	Pending for I.Os deposition	Trial stage	ADJ, Bhanjanagar
3.	Sorada P.S. Case No.123 dtd.22.12.2012 U/s.307/34/121/120-B IPC/16/18/18-A/20 Unlawful Activities Prevention Act, 2008/4 & 5 Explosive Substance Act	199/12(A)	I.O./witness examination completed	Argument	ADJ, Bhanjanagar
4.	Sorada P.S. Case No.128 dtd.31.12.2012 U/s.121/120-B/121-A/124-A/435 IPC/7 Cr.L.A. Act, 1932/17 Cr.L.A. Act, 1908/ Sec.3 The Young persons (Harmful Publication Act 1956)	01/13(A)	Pending for I.Os deposition	Trial stage	ADJ, Bhanjanagar
5.	Sorada P.S. Case No.21 dtd.01.04.2011 U/s.121/121-A//124-A/395 IPC/7 Cr.L.A. Act, 1932/17	31/11	Charge yet to be framed	Charge yet to be framed	ADJ, Bhanjanagar

	Cr.L.A. Act, 1908/ Sec.10/13/16/18- A/20 Unlawful Activities Prevention Act, 2008/ Sec.25(1- b)/27 Arms Act.				
6.	Sorada P.S. Case No.106 dtd.21.12.2011 U/s.144/148/149/435 IPC/7 Cr.L.A. Act- 1932/17 Cr.L.A. Act 1908/16/17/18/20 Unlawful activities amendment Prevention Act 2008/25 (1-B) Arms Act/Sect 3 young persons harmful publication Act 1956 & Sec 3 & 4 Explosive Substance Act	164/11(A)	Pending for I.Os. deposition	Trial stage	ADJ, Bhanjanagar

**Details of cases registered against the Petitioner No.1 in
Badagada PS and their status**

Sl. No.	Case reference with sec. of law	GR Case No.	Case in which the trial commenced but it is not concluded	Case pending in the stage of investigation
1.	Badagada P.S. Case No.28 dtd.30.04.2012 U/s.307/292 IPC/R.E. Sec.16/18/20 UAP Act/Sec.25(1-B)(a) & 27 Arms Act/Sec.3 of Young Persons harmful publication Act-1956/41 RWP Act/67 IT Act	GR No.54/12	The charges against the accused persons of this case have been framed on 17.01.2022. No witnesses have been examined till now.	Case is pending before the Hon'ble court of Addl. District cum Sessions Judge, Bhanjanagar
2.	Badagada PS Case No.45 dtd.14.04.2013 U/s.120(B)/121/121(A) /122/124(A)/307 IPC/Sec.25(1-B)(a)/27 Arms Act/Sec.3/4 of E.S. Act/Sec.3 of Young Persons harmful publication Act-1956	66/2013	-----	The case has not yet been committed to the Hon'ble court of Session from the Hon'ble Court of JMFC

				Sorada
3.	Badagada PS Case no.18/2010 dtd.22.02.2010 U/s.121/121(A)/120(B)/124(A)/34 IPC/Sec.19/13/16/18(A) UAP Act/Sec.3 & 4 E.S. Act.	27/2010	The case is under trial. The case has been splitted up into ST-87/16,162/17,133/15,100/20. In the case total number of witnesses are 16. Out of 16 witnesses, in ST-87/16 (02 nos), in ST-162/17 (04 nos), in ST-133/18, (07 nos), in ST-131/15 (04 nos) and in ST-100/20 (15 nos) witnesses have not been examined till now.	Case is pending before Hon'ble court of Addl. District cum Sessions Judge, Bhanjanagar
4.	Badagada P.S. Case No.04 dtd.19.01.2011 U/s.120(B)/121/121(A)/435/379/149 IPC/Sec-17 of CRL.L A. Act/Sec-10/13/16/18(A)/20/39/40 of UAP Act	06/2011	The case is under trial. The case has been splitted up into ST-53/20, 55/20, 08/21, 37/21 and 94/20. Total number of witnesses of the case is 16. In all the splited cases 02 more witnesses have not been examined till now	-Do-
5.	Badagada PS Case No.05 dtd.19.01.2011 U/s. 120(B)/121/121(A)/124(A)/435/427 IPC	07/2011	The trial of the case is over and the judgment has been pronounced on 19.08.2022 that the accused persons are found not guilty.	

6.	Badagada PS Case No.06 dtd.24.01.2011 U/S. 120(B)/121/121(A)/12 4(A) IPC/Sec.10/16/18(A)/1 3/20/39/40 UAP Act	13/2011	The case is under trial. The case has been splitted up into ST-86/16,61/17,13 2/15 and 99/20. There are total 14 witnesses in the case. But in ST-86/16 (one), ST-61/17 (two nos), in ST-132/15 (one) and in ST-99/20 (16 nos.) of witnesses are to be examined	Case is pending before the Hon'ble court of Addl. District cum Sessions Judge, Bhanjanagar
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But the Opposite Party No.3 in the affidavit dated 05.09.2022 has stated that there is no information that the Petitioners No.2 and 3 have been implicated in those cases.

21. ★ Another affidavit has been filed by the Opposite Party No.3 on 08.09.2022. According to us, this is the upgraded list so far as the Petitioner No.1 is concerned. It has been clearly stated therein that out of 15 cases registered against her, she has been acquitted in 07 cases being Adava P.S. Case No.14/10, Adava P.S. Case No.15/10, Mohana P.S. Case No.21/13, Mohana P.S. Case No.84/10, Adava P.S. Case No.37/11, Mohana P.S. Case No.24/13 and Mohana P.S. Case No.19/14. For purpose of better reference we quote the

Paragraph-5 of the said affidavit filed by the Opposite Party

No.3:

“5.That the petitioner has provided the list of cases where the petitioner is involved. Out of 15 cases, in 07 cases trial have been concluded where the petitioner has been acquitted which are as follows:

(1) Adava PS Case No.14, dtd.24.03.2010, 147/148/435/120(B)/121/121(A)/427/149 IPC/25 Arms Act/17 Cr.L.A. Act/10/13 of U.A.(P) Act.

(2) Adava PS Case No.15, dtd.25.03.2010, 147/148/435/120(B)/121/121(A)/124(A)/427/149 IPC/17 Cr.L.A. Act/10/13 of U.A. (P) Act/3 P.D.P.P. Act.

(3) Mohana P.S. Case No.21 dtd.8.3.2013 u/s.147/148/307/386/364/368/120(B)/121/121(A)/124(A)/153(B)/149 IPC/25/27 Arms Act/16,18,18-A,23 of UAP Act. सत्यमेव जयते

(4) Mohana P.S. Case No.84 Dt.21.12.10 U/s.147/148/342/120(B)/121/121(A)/436/506/149 IPC/25/27 Arms Act/17 Cr.L.A. Act/10/13 U.A.(P) Act.

(5) Adava P.S. Case No.37 dtd.20.10.11 U/s.147/148/120(B)/121/121(A)/124(A)/149 IPC 17 Cr.LAAct/16/18 of U.A. (P) Act. (The Adava Ps Case No.17/2011 has been wrongly mentioned instead of Adava PS case No.37/2011 and Adava PS Case No.17/2011 has been registered U/s.47(a) B & O Excise Act.

(6) Mohana PS Case No.24 dtd.11.3.2013 U/s. 147/148/307/120(B)/121(A)/124(A)/149 IPC/25/27 Arms Act/17 Cr. L.A. Act/16,18,20,23,38 of UAP Act.

(7) Mohana P.S. Case No.19 dtd.28.02.2014 U/s. 147/148/120(B)/121/121(A)/124(A)/149 IPC/17 Cr.L.A. Act/25 arms Act/4 (b) (i)/5 (a) E.S. (Amendment) Act, 2001/17/18/18(a)/20/23(1) U.A. (P) Act.”

In respect of other 08 cases, the Opposite Party No.1 has stated in Paragraph-6 of the said affidavit dated 08.09.2012 as follows:

“6. It is submitted that out of 15 cases, 08 (eight) cases are still pending in the Hon'ble Courts which are as follows:

(1) Adava PS Case No.23, dtd.01.05.10 u/s.120(B)/121/124(A)/149 IPC/25 Cr.L.A. Act/3 & 4 E.S. Act/10/13 of U.A. (P) Act/17 Cr.L.A. Act.

(2) Adava PS Case No.26 dtd.12.05.2010, 147/148/302/395/12(B)/121/121(A)/124(A)/149 IPC/25/27 Arms Act/17 Cr.L.A. Act/10/13/16/18/20 of U.A. (P) Act.

(3) Adava PS Case No.63, dtd.05.11.2010, U/s.147/148/120(B)/121/121(A)/124(A)/149 IPC/25 & 27 arms Act/17 Cr.L.A. Act/10 & 13 UA (P) Act.

(4) Adava PS Case No.01 Dt.10.01.2011 u/s. 147/148/435/427/120(B)/121/121(A)/124(A)/283/149

IPC/25 Arms Act/17 Cr.L.A. Act/10 /13 UA (P) Act, 3 PDPP Act.

(5) Mohana PS Case No.40, dtd.22.06.2012 u/s. 120(b)/121/121(a)/124(A)/468 IPC/17 Cr.L.A. Act/16/18/20 UAP Act.

(6) Mohana PS Case No.71, dtd.19.11.12 u/s. 120(b)/121/121(a)/124(a) IPC/17 Cr.L.A. Act/25/27 Arms Act/ 3& 4 E.S. Act/16/18/20 UAP Act.

(7) Mohana PS Case No.73, dtd.05.12.2012 u/s. 120(B)/121/121(A)/124(A)/153(B) IPC/17 Cr.L.A. Act/25 Arms Act/ 3& 4 E.S. Act/16,18,20,38 of UAP Act.

(8) Mohana PS Case No.69, dtd.14.11.12 u/s. 147/148/307/120(B)/121(A)/124(A)/153(B)/149 IPC/25/27 Arms Act/17(2) Cr.L.A. Act/3& 4 E.S. Act/16/19/20 of UAP Act.”

It has been categorically stated that in other 07 cases, no charge-sheet has been filed against the Petitioner No.1. For this purpose, we would reproduce Paragraph-7 of the affidavit dated 08.09.2022.

“7. That on verification, it is found that the Charge-sheet has not been submitted against the Petitioner No.1, D. Anita Majhi @ Mila in the following cases:

Sl. No.	Case Reference	G.R. No.	Remarks
01	Adava P.S. Case No.7 Dtd.16.12.2009	29/2009	C.S. has been submitted Vide No.29 Dtd.22.06.2013 against accused Johan Raita & 33 others, Where C.S. has not been submitted against the petitioner.
02	Adava P.S. Case No.43 Dtd.28.12.2009	260/2009	C.S. has been submitted Vide No.24 Dtd.20.06.2013 against accused Ladan @ Prahalad Majhi & 58 others, Where C.S. has not been submitted against the petitioner.
03	Adava P.S. Case No.44 Dtd.28.12.2009	261/2009	C.S. has been submitted Vide No.25 Dtd.20.06.2013 against accused Ladan @ Prahalad Majhi & 58 others, where C.S. has not been submitted against the petitioner.
04	Adava P.S. Case No.45 Dtd.28.12.2009	262/2009	C.S. has been submitted Vide No.26 Dtd.20.06.2013 against accused Ladan @ Prahalad Majhi & 58 others, where C.S. has not been submitted against the petitioner.
05	Adava P.S. Case No.46 Dtd.28.12.2009	263/2009	C.S. has been submitted Vide No.27 Dtd.20.06.2013 against accused Ladan @ Prahalad Majhi & 58 others, where C.S. has not been submitted against the petitioner.
06	Adava P.S. Case No.47 Dtd.28.12.2009	264/2009	C.S. has been submitted Vide No.28 Dtd.20.06.2013 against accused Ladan @ Prahalad Majhi & 58 others, where C.S. has not been submitted against the petitioner.
07	Adava P.S. Case No.58 Dtd.23.10.2010	221/2010	C.S. has been submitted Vide No.61 Dtd.31.12.2013 against accused Afira Badamajhi & 14 others, where C.S. has not been submitted against the petitioner.

22. Thus, it has been also asserted that on thorough examination and verification of all cases which are pending or where trial has already been completed, no such information is available about complicity of the other two Petitioners, namely, Nikita Majhi @ Minati @ Bumbuli Narengeke [the Petitioner No.2] and Sushanti Majhi @ Jhunu [the Petitioner No.3]. Therefore, we can safely hold

that against the Petitioners No.2 and 3 there are no cases where the investigation is pending. Even against the Petitioner No.1, there is no case is pending in the investigation stage.

23. The Petitioners have also filed an updated statement in response to the affidavits filed by the Opposite Parties, as referred before. For purpose of reference, we reproduce their said statement, which has been filed by an affidavit dated 10.10.2022:

PARTICULAR OF THE CASES IN WHICH ORDER DATED 07.01.2022 HAS BEEN PASSED BY THIS HON'BLE COURT IN CRLMC NO.2358/2019 & CRLMC NO.2359/2019

Sl. No.	P.S. Case No & date	GR Case No	Trial Court & ST Case No.	Present status and Remark
1.	Badagada P.S No.4 dated 19.01.2011	6/2011 सत्यमेव जयते	Addl. Sessions Judge, Bhanjanagar	Though the Hon'ble Court vide order dated 07.01.2022 directed to complete trial within 6 months and in any case not later than 31.10.2022 but for absence of the I.O in the last 3 case dates for his examination, trial has not completed yet.
2	Badagada P.S No.5 dated	7/2011	Addl. Sessions Judge, Bhanjanagar (58/2020)	Petitioners were acquitted vide judgment dated 16.08.2021 by Ld. ADJ, Bhanjanagar

CASES IN WHICH PETITIONERS WERE ACQUITTED

Sl.No.	P.S Case No.	GR Case No.	Trial Court & ST Case No.	Acquitted on
1	Adava P.S No.	73/2010(C)	Sessions Judge, Gajapati paralakhemundi (81/2014)	04.07.2016
2	Adava P.S No. 26 Dated 12/13.05.2010	113/2010(D)	Sessions Judge, Gajapati paralakhemundi (83/2014)	18.11.2016
3.	Mohana P.S No. 24 Dated 11.03.2013	40/2013	Sessions Judge, Gajapati paralakhemundi (75/2014)	15.03.2018
4.	Mohana P.S No. 19 Dated 28.02.2014	22/2014	Sessions Judge, Gajapati paralakhemundi (84/2014)	16.07.2018
5.	Mohana P.S No. 21 Dated 08.03.2013	38/2013	Addl. Sessions Judge, Gajapati paralakhemundi (79/2014)	04.07.2015
6.	Adava P.S No. 14 Dated 24.03.2010	16/2010 (D)	Sessions Judge, Gajapati paralakhemundi (78/2014)	23.06.2017
7.	Adava P.S No. 23 Dated 01.05.2010	105/2010	Sessions Judge, Gajapati paralakhemundi (82/2014)	15.03.2017
8.	Adava P.S No. 58 Dated 23.10.2010	221/2010(B)	Sessions Judge, Gajapati paralakhemundi (80/2014)	17.02.2017
9.	Adava P.S No. 17 Dated 20.10.2011	135/2011	Addl. Sessions Judge, Gajapati paralakhemundi (77/2014)(T)	01.07.2015
10.	Mohana P.S No.	250/2010	Sessions	22.08.2017

	84 Dated 21.12.2010	(A)	Judge,Gajapati paralakhemundi (76/2014)	
11.	Badagada P.S No. 5 Dated	7/2011	Addl. Sessions Judge, Bhanjanagar (58/2020)	Petitioners were acquitted vide judgment dated 16.08.2022 by Ld. ADJ Banjanagar
12.	Sorada P.S No. 123 Dated 22.12.2012	199/2012 (B)	Addl. Sessions Judge, Bhanjanagar (134/2018)	All the petitioners were acquitted vide judgment dated 13.09.2022
13.	Sorada P.S. No.95 Dated 12.11.2011	145/2011(B)	Addl. Sessions Judge, Bhanjanagar (135/2018)	All the petitioners were acquitted vide judgment dated 14.09.2022

**CASES IN WHICH TRIAL COMMENCED BUT NOT
CONCLUDED**

Sl. No.	P.S Case No. & Date	GR Case No.	Trial Court & ST Case No.	Present Status
1.	Bhanjanagar P.S No. 18 Dated 21.01.2011	57(A)/2011	Addl. Sessions Judge, Bhanjanagar (87/2020)	Trial Commenced one PW examined
2.	Badagada P.S case No. 6 Dated	13/2011	Addl. Sessions Judge, Bhanjanagar (69/2020)	No witness examined
3.	Badagada P.S case No. 18 Dated 22.02.2010	27/2010(B)	Addl. Sessions Judge, Bhanjanagar (133/2018)	7 PWS examined trial adjourned for non turning of I.O in last 3 cases dates.
4.	Badagada P.S case No. 4 Dated 19.01.2011	6/2011	Addl. Sessions Judge, Bhanjanagar (53/2020)	For non examination of I.O and informant trial could

				not progress in last 3 dates. Other witnesses already examined
5.	Badagada P.S Case No. 28 Dated 30.04.2012	54/2012	Addl. Sessions Judge, Bhanjanagar (59/2020)	No witnesses examined
6.	Soroda P.S. Case No.21 Dated 01.04.2011	31/2011(B)	Addl. Sessions Judge, Bhanjanagar (59/2020)	Charge framed on 13.09.2022, no witness examined
7.	Soroda P.S. Case No.106 Dated 21.12.2011	164/2011(A)	Addl. Sessions Judge, Bhanjanagar (56/2020)	No witness examined

PENDING BEFORE JMFC SORODA

Sl. No.	P.S. Case No. & Date	GR Case No.	Trial Court & ST Case No.	Present status
1.	Badagada P.S. Case No.45 Dated 14.04.2013	66/2013	C.S. Not filed	Produced before JMFC Soroda
2.	Badagada P.S. Case No.22/2014	52/2014	C.S. Not filed	Produced before JMFC Soroda

PENDING BEFORE JMFC MOHANA

Sl. No.	P.S. Case No. & Date	GR Case No.	Trial Court & ST Case No.	Present Status/Remark
1.	Adava P.S case No. 7 Dated 16.12.2009	29/2009	Co-accused were acquitted. The petitioners were	Petitioners came to know about the cases from the affidavit dated 19.07.2019 filed by the SDPO Aska in

			neither produced in Court , nor brought on remand.	HC in BLAPL NO. 4363/2019. As per affidavit dated 08.09.2022 filed by DSP DIB Gajapati C.S No. 29 is submitted on 22.06.2013 against accused Johan Raita and 33 others but not against the petitioner No.1
2.	Adava P.S case No. 43 Dated 28.12.2009	260/2009	Co-accused were acquitted. The petitioners were neither produced in Court , nor brought on remand.	Petitioners came to know about the cases from the affidavit dated 19.07.2019 filed by the SDPO Aska in HC in BLAPL NO. 4363/2019. As per affidavit dated 08.09.2022 filed by DSP DIB Gajapati C.S No. 24 is submitted on 20.06.2013 against accused Ladan and 58 others but not against the petitioner No. 1
3.	Adava P.S case No. 44 Dated 8.12.2009	261/2009	Co-accused were acquitted. The petitioners were neither produced in Court , nor brought on remand.	Petitioners came to know about the cases from the affidavit dated 19.07.2019 filed by the SDPO Aska in HC in BLAPL NO. 4363/2019. As per affidavit dated 08.09.2022 filed by DSP DIB Gajapati C.S No. 25 is submitted

				on 20.06.2013 against accused Ladan and 58 others but not against the petitioner No. 1
4.	Adava P.S case No. 45 Dated 28.12.2009	262/2009	Co-accused were acquitted. The petitioners were neither produced in Court , nor brought on remand.	Petitioners came to know about the cases from the affidavit dated 19.07.2019 filed by the SDPO Aska in HC in BLAPL NO. 4363/2019. As per affidavit dated 08.09.2022 filed by DSP DIB Gajapati C.S No. 26 is submitted on 20.06.2013 against accused Ladan and 58 others but not against the petitioner No. 1
5.	Adava P.S case No. 46 Dated 28.12.2009	263/2009	Co-accused were acquitted. The petitioners were neither produced in Court , nor brought on remand.	Petitioners came to know about the cases from the affidavit dated 19.07.2019 filed by the SDPO Aska in HC in BLAPL NO. 4363/2019. As per affidavit dated 08.09.2022 filed by DSP DIB Gajapati C.S No. 27 is submitted on 20.06.2013 against accused Ladan and 58 others but not against the Petitioner No.1
6.	Adava P.S case No. 47 Dated 28.12.2009	264/2009	Co-accused were acquitted. The petitioners were neither produced in Court , nor brought on remand.	Petitioners came to know about the cases from the affidavit dated 19.07.2019 filed by the SDPO Aska in HC in BLAPL NO. 4363/2019 As per affidavit dated 08.09.2022 filed by DSP DIB Gajapati C.S. No.28 is submitted on 20.06.2013 against accused Ladan and 58 others but not against the petitioner No.1
7.	Adava P.S	221/2009	Co-accused were	Petitioners came

petitioner No. 1

	case No. 58 Dated 23.10.2010		acquitted. The petitioners were neither produced in Court , nor brought on remand.	to know about the cases from the affidavit dated 19.07.2019 filed by the SDPO Aska in HC in BLAPL NO. 4363/2019. As per affidavit dated 08.09.2022 filed by DSP DIB Gajapati C.S No. 61 is submitted on 31.12.2013 against accused Afira Badamajhi and 14 others but not against the petitioner No. 1
8.	Adava P.S case No. 63 Dated 05.11.2010	233/2010	Co-accused were acquitted. The petitioners were neither produced in Court , nor brought on remand.	Petitioners came to know about the cases from the affidavit dated 19.07.2019 filed by the SDPO Aska in HC in BLAPL NO. 4363/2019.
9.	Adava P.S case No. 1 Dated 10.01.2011	7/2011	Co-accused were acquitted. Though petitioners are in jail, they were neither remanded nor produced in the Court	Petitioners came to know about the cases from the affidavit dated 19.07.2019 filed by the SDPO Aska in HC in BLAPL NO. 4363/2019.
10.	10. Mo ana P.S. Case No.40 Dated 22.06.2012	99/2012	Co-accused were acquitted. Though petitioners in jail, they were neither remanded nor produced in the Court	Petitioners came to know about the cases from the affidavit dated 19.07.2019 filed by the SDPO Aska in HC in BLAPL NO. 4363/2019.
11.	Mohana P.S case No. 71 Dated 19.11.2012	184/2012	Co-accused were acquitted. Though petitioners are in jail, they were neither remanded nor produced in the Court	Petitioners came to know about the cases from the affidavit dated 19.07.2019 filed by the SDPO Aska in HC in BLAPL NO. 4363/2019.
12.	Mohana P.S case No. 73 Dated 05.12.2012	191/2012	Co-accused were acquitted. Though petitioners are in jail, they were	Petitioners came to know about the cases from the affidavit dated

			neither remanded nor produced in the Court	19.07.2019 filed by the SDPO Aska in HC in BLAPL NO. 4363/2019.
13.	Mohana P.S case No. 69 Dated 14.11.2012	182/2012	Co-accused were acquitted. Though petitioners are in jail, they were neither remanded nor produced in the Court	Petitioners came to know about the cases from the affidavit dated 19.07.2019 filed by the SDPO Aska in HC in BLAPL NO. 4363/2019.

CASES IN WHICH EVIDENCE IS CLOSED, CASE POSTED FOR ACCUSED STATEMENT

Sl. No.	P.S. Case No. & Date	GR Case No.	Trial Court & ST Case No.	Remark
1.	Sorada P.S. No.129 Dated 31.12.2012	2/2013(B)	Addl. Sessions Judge, Bhanjanagar (136/2018)	Case posted to 13/14.10.2022 for accused statement
2.	Sorada P.S. No.128 Dated 31.12.2012	1/2013(B)	Addl. Sessions Judge, Bhanjanagar (137/2018)	Case posted to 13/14.10.2022 for accused statement

24. We have also taken information as regards the allegation made by the Petitioners that they were not produced in the trial. By a statement, various dates of production have been provided by the Opposite Parties. But they have not explained whether the Petitioners were produced on all the dates, or not. Even, the Petitioners did not reveal those dates. It appears that for non-availability of the security escort, the Petitioners could not be produced in the court on the date fixed by the court for production. What now emerges out of the information that the Petitioner No.1 is waiting for completion of trial in 08

cases as referred to above. It has been clearly stated by the Petitioners that in the following cases evidence is closed and the cases are posted for the accused statement:

(i) ST Case No.136/2018 corresponding to G.R. Case No.2/2013(B) and Sorada P.S. Case No.129 of 2012 in the court of Addl. Sessions Judge, Bahnjanagar and (ii) ST Case No.137/2018 corresponding to G.R. Case No.1/2013(B) and Sorada P.S. Case No.128 of 2012 in the Court of Addl. Sessions Judge, Bahnjanagar.

So far as these two cases are concerned, we direct those courts to complete the trial by the next 04 months, else the Petitioners involved in those cases be released on bail on suitable terms and conditions. Seven cases where after completion of investigation, charge-sheets have not been filed against the Petitioners, the Petitioners are deemed to have been discharged from the criminal liability.

Description of these cases are as follows:

(i) Adava P.S. Case No.7/09 corresponding to G.R. Case No.29/09, (ii) Adava P.S. Case No.43/09 corresponding to G.R. Case No.260/09, (iii) Adava P.S. Case No.44/09 corresponding to G.R. Case No.261/09, (iv)

Adava P.S. Case No.45/09 corresponding to G.R. Case No.262/09, (v) Adava P.S. Case No.46/09 corresponding to G.R. Case No.263/09, (vi) Adava P.S. Case No.47/09 corresponding to G.R. Case No.264/09 and (vii) Adava P.S. Case No.58/10 corresponding to G.R. Case No.221/10.

But in the following cases the trial has commenced but not been completed:

(i) ST Case No.87/2020 pending in the Court of Addl. Sessions Judge, Bhanjanagar corresponding to G.R. Case No.57(A)/2011 and Bhanjanagar P.S. Case No.18/2011, (ii) ST. Case No.69/2020 pending in the Court of Addl. Sessions Judge, Bhanjanagar corresponding to G.R. Case No.13/2011 and Badagada P.S. Case No.6/2011, (iii) ST Case No.133/2018 pending in the Court of Addl. Sessions Judge, Bhanjanagar corresponding to G.R. Case No.27/2010(B) and Badagada P.S. Case No.18/2010, (iv) ST Case No.53/2020 pending in the Court of Addl. Sessions Judge, Bhanjanagar corresponding to G.R. Case No.06/2011 and Badagada P.S. Case No.4/2011, (v) ST Case No.59/2020 pending in the Court of Addl. Sessions Judge, Bhanjanagar corresponding to G.R. Case

No.54/2012 and Badagada P.S. Case No.28/2012, (vi) ST Case No.62/2020 pending in the Court of Addl. Sessions Judge, Bhanjanagar corresponding to G.R. Case No.31/2011(B) and Sorada P.S. Case No.21/2011 and (vii) ST Case No.56/2020 pending in the Court of Addl. Sessions Judge, Bhanjanagar corresponding to G.R. Case No.164/2011(A) and Soroda P.S. Case No.106/2011.

The trial of these cases shall be completed by 30.08.2023, else, the Petitioners shall be released on bail on appropriate terms and conditions. We have recorded our direction in respect of ST Case No.136/2018 corresponding to G.R. Case No.2/2013(B) and Sorada P.S. Case No.129/2012 and ST Case No.137/2018 corresponding to G.R. Case No.1/2013(B) and Sorada P.S. Case No.128/2012.

25. Further we should observe that according to the statement made by the Opposite Parties No.2 and 3, no case is pending against any of the Petitioners at the stage of investigation.

26. Having observed and declared thus, this writ petition stands allowed to the extent as indicated above.

27. There shall be no order as to costs.

28. Before parting with the records, we place our appreciation for the invaluable assistance provided to us Mr. J. Katikia, learned Additional Government Advocate appearing for the State.

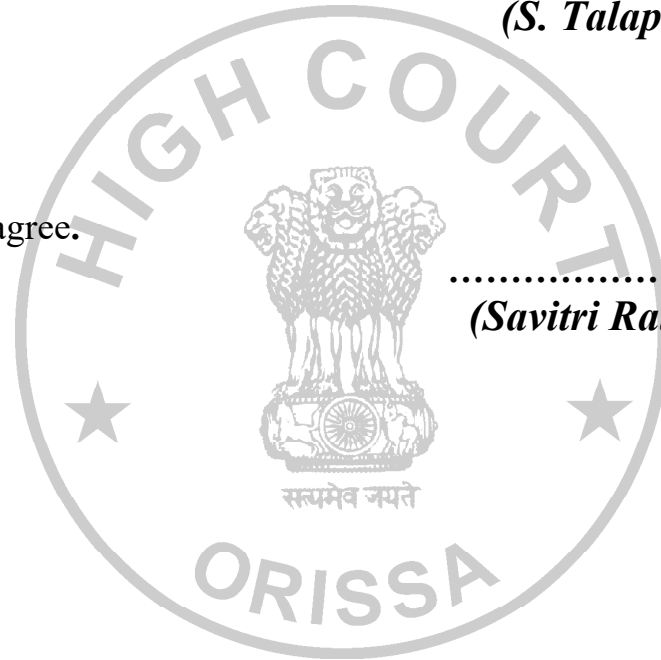
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(S. Talapatra, J)

I agree.

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(Savitri Ratho, J)



*Orissa High Court, Cuttack.
The 9th day of February, 2023.
L. Murmu, Senior Stenographer.*