



AFR

THE HIGH COURT OF ORISSA, CUTTACK

TRPCRL No.45 of 2026

CNR No. ODHC010360422026

*Dakoju Venkat Rao
& another*

.....

Petitioners

-Versus-

*State of Odisha
& another*

.....

Opposite Parties

For Petitioners

: *Mr. L. Samantaray,
Sr. Advocate assisted by
Mr. B.P. Panda, Advocate*

For Opposite Parties

: *Mr. M.K. Dash, ASC,
(For O.P. No.1)
Mr. A. Das, Advocate
(For O.P. No.2)*

CORAM: JUSTICE SANJAY KUMAR MISHRA

Date of Hearing & Judgment: 11.09.2026

S.K. MISHRA, J.

1. This transfer petition has been preferred by the Petitioners, who are the accused persons in S.T. Case No.41 of 2025, with a prayer to transfer the proceeding from the



Court of learned Session Judge, Gajapati at Parlakhemundi to the Court of learned Session Judge, Berhampur, Ganjam, basically on the grounds of alleged obstruction in the trial, intimidation and non-cooperation by the Advocates of the Parlakhemundi Bar Association.

2. Opposing to such prayer, an Objection has been filed by the Informant (Opposite Party No.2), who was the then Secretary of Parlakhemundi Bar Association. That apart, Mr. Dash, learned Additional Standing Counsel for the State produces the written instruction received from the Registrar, Civil Courts, Gajapati at Parlakhemundi imparted vide Letter No.7696 dated 01.09.2026, wherefrom it revealed that, out of twenty-five prosecution witnesses, six witnesses have already been examined and further proceeding have been delayed due to non-appearance of other prosecution witnesses.

3. So far as the grounds urged in the transfer petition, to justify the prayer for transfer, relevant paragraphs from the response of the learned Registrar, Civil



Courts, Gajapati, opposing to such grounds, are reproduced below:

“Regarding the engagement of advocate by the petitioners, the case record reveals that on 05.06.2025, Advocate A.K. Parida of Paralakhemundi Bar Association has filed vakalatnama on behalf of the petitioner-D.Venkat Rao and as other petitioner-D.Satish expressed his poor financial condition to engage a lawyer, Advocate S.K.Pal of Paralakhemundi Bar Association was engaged as State Defence Counsel (SDC) for the accused who continued to represent the accused. On 06.01.2026, one Advocate Sri A.V. Suryanarayan from Visakhapatnam (Andhra Pradesh) filed vakalatnama on behalf of accused-D.Satish and continuing since then. Similarly, on 15.04.2026, Advocate S.Ram Kumar along with Sri A.K.Parida, a member of Paralakhemundi Bar Association, filed joint vakalatnama on behalf of accused-D.Venkat Rao but Sri A.K.Parida is conducting the case on behalf of the accused-D.Venkat Rao on each date. It is pertinent to mention here that Visakhapatnam is nearer to Paralakhemundi than Berhampur. So, the contention that engagement of lawyer from Visakhapatnam will cause financial stringency to the petitioners is baseless.”

“ In response to Para-9 of the petition, this office has no information regarding resolution passed by the Paralakhemundi Bar Association. On the contrary, the record reveals that one of the members of Paralakhemundi Bar Association is representing the petitioner-D. Venkat Rao since 05.06.2025.

In response to Para-10 of the petition, this office has not come across of such



obstruction in the trial or intimidation or non-cooperation by the advocates of the local Bar Association. No petition or intimation has been given to this Court in this regard by the petitioners. The proceeding is going on in the Court room smoothly without any external pressure or influence. It is inappropriate to allege that this court is biased or will be influenced by the local Bar members causing prejudice to the petitioners”

(Emphasis supplied)

4. That apart, learned Counsel for the Informant (Opposite Party No.2), drawing the attention of this Court to the pleadings made in the Objection of the Opposite-Party No.2 submits that there is no such Resolution of the Bar Association not to represent the accused persons. The allegations of obstruction in the trial or intimidation or non-cooperation by the Advocates of the local Bar Association are incorrect. He further submits, as per the directives of the Supreme Court in W.P.(C) No.1112 of 2025 (***Shaheen Malik Vs. Union of India***), acid attack cases are to be tried and disposed of in a time bound manner. If the proceeding is transferred to Berhampur, it would cause a delay in trial of S.T. Case No.41 of 2025, as other prosecution witnesses,



most of whom are of the same locality, may face difficulty to travel and appear before the Court at Berhampur.

5. After hearing the learned Counsel for the Parties, going through the materials on record, more particularly, in view of the written instruction imparted by the Registrar, Civil Courts, Gajapati at Parlakhemundi, and the stand of the Opposite Party No.2, who was the then Secretary of the local Bar Association, this Court is not inclined to entertain the prayer for transfer of the proceeding in S.T. Case No.41 of 2025, to the Court of learned Session Judge, Berhampur, Ganjam.

6. However, at this stage, learned Senior Counsel for the Petitioners submits, admittedly, the victim is an Advocate and a member of Parlakhemundi Bar Association. The Informant, who was the then Secretary of the Bar Association, has been elected and at present continuing as the President of Parlakhemundi Bar Association. During trial of S.T. Case No.41 of 2025, because of the sensitiveness of the incident, the victim being an Advocate,



most of the Bar Members are remaining present, thereby creating a scary atmosphere inside the Court Room, which may affect a fair trial and proper adjudication of S.T. Case No.41 of 2025.

7. Accordingly, he prays for a direction to the learned Court below for in-camera trial, which would be of great assistance to the accused persons to defend their case properly and effectively in S.T. Case No.41 of 2025.

8. In view of the sensitiveness of the issue involved in S.T. Case No.41 of 2025, and the concern of the accused persons, as detailed above, this Court is of the view that an in-camera trial of the proceeding would be a just and proper course to mitigate the grievance of the accused persons in the present transfer petition.

9. Accordingly, the learned Session Judge, Gajapati at Parlakhemundi is directed to proceed further in S.T. Case No.41 of 2025 by adopting in-camera trial and try to conclude the said proceeding at the earliest.



10. Since 6 (six) prosecution witnesses have already been examined in the meantime, the learned Session Judge, Gajapati at Parlakhemundi should make all possible endeavours to see that the other witnesses, including the victim, are examined and the trial is concluded at the earliest.

11. In view of the allegations and counter allegations made by the learned Counsel for the Parties, this Court directs the learned President and learned Secretary of Parlakhemundi Bar Association to ensure smooth trial of S.T. Case No.41 of 2025 and not to create any kind of hindrance by the Bar Members of Parlakhemundi Bar Association during the trial, in order to ensure timely disposal of proceeding in S.T. Case No.41 of 2025, in terms of the directives of the Supreme Court in ***Shaheen Malik*** (supra).

12. Regarding fixation of timelines and monitoring of acid attack cases, learned Session Judge, Gajapati at Parlakhemundi shall act in terms of the Circular of this



Court vide No.XI-49/2025/7188(30)/ dated 01.05.2026,
relevant portion of which is reproduced below;

“To

The District & Sessions Judge,..... (All)

Sub:- Compliance with Order dated 09.03.2026 of the Hon’ble Supreme Court in W.P.(C) No.1112 of 2025 (Shaheen Malik v. Union of India & Anr.) regarding fixation of timelines and monitoring of acid attack cases.

Sir,

I am directed to invite your attention to the Order dated 09.03.2026 passed by the Hon’ble Supreme Court in W.P.(C) No.1112 of 2025 titled “Saheen Malik v. Union of India & Anr.”, wherein specific time-bound directions have been issued for expeditious investigation, trial and rehabilitation in acid attack cases.

In compliance with the aforesaid directions, the following indicative timelines are hereby fixed for strict adherence by all Trial Courts dealing with such cases:

- Framing of charges: within 15 days from filing of charge sheet.*
- Trial (evidence and argument): to be completed within six months.*
- Judgment: Strict timeline prescribed for delivery of judgment be followed as per Rule 109 of the G.R. & C.O. (CrI.) (Vol.I).*

I am, therefore, directed to request you to circulate the same amongst all the Trial Courts within your jurisdiction and ensure that all pending as well as newly instituted acid attack cases are taken up on priority and disposed of according to the timelines specified above.”

13. That apart, the learned trial Court shall also expedite trial of S.T. Case No.41 of 2025, in terms of the



directives of the Supreme Court in the case of ***The Central Bureau of Investigation Vs. Mir Usman alias Ara alias Mur Usman Ali***; 2025 SCC OnLine SC 2066. Paragraph No.37 of the said judgment, being relevant, is reproduced below:

“37. The Chief Justices of the High Courts may direct their administrative side to issue a circular to the respective district judiciaries stating as under:

- [1] The proceedings in every inquiry or trial shall be held expeditiously.*
- [2] When the stage of examination of witnesses starts such examination shall be continued from day-to-day until all the witnesses in the attendance have been examined except for special reasons to be recorded in writing.*
- [3] When the witnesses are in attendance before the Court no adjournment or postponement shall be granted without examining them, except for special reasons to be recorded in writing.*
- [4] The Court should not grant the adjournment to suit the convenience of the advocate concerned except on very exceptional grounds like bereavement in the family and similar exceptional reasons duly supported by memo. Be it noted that the said inconvenience of an advocate is not a “Special Reason” for the purpose of bypassing the immunity of Section 309 of the Cr.P.C.*
- [5] In case of non-cooperation of accused or his counsel, the following shall be kept in mind:*
 - a. In case of non-cooperation of the counsel, the Court shall satisfy itself whether the non-cooperation is in active collusion with the*



accused to delay the trial. If it is so satisfied for reasons to be recorded in writing, it may, if the accused is on bail, put the accused on notice to show cause why the bail cannot be cancelled.

- b. In cases where the accused is not in collusion with lawyer and it is the lawyer who is not cooperating with the trial, the Court may for reason to be recorded, appoint an amicus curiae for the accused and fix a date for proceeding with cross-examination/trial.*
- c. The Court may also in appropriate cases impose cost on the accused commensurate with the loss suffered by the witness including the expenses to attend the court.*
- d. In case when the accused is absent and the witness is present for examination, in that case the Court can cancel the bail of accused if he is on bail. (Unless an application is made on his behalf seeking permission for his counsel to proceed to examine the witness present even in his absence, provided the accused gives an undertaking in writing that, he would not dispute, his identity as a particular accused in the case.)*

[6] The Presiding Officer of each Court may evolve the system for framing a schedule of constructive working days for examination of witnesses in each case, well in advance, after ascertaining the convenience of counsel on both sides.

[7] The summons or process could be handed over to the Public Prosecutor in-charge of the case to cause them to be served on the witnesses, as per schedule fixed by the Court.

This order may be made part of the circular as an annexure.”



14. Accordingly, the transfer petition stands disposed of.

15. Office is directed to communicate a copy of this judgment urgently to the learned President, Parlakhemundi Bar Association, as well as the learned Session Judge, Gajapati at Parlakhemundi, for their information and necessary action.

Urgent certified copy of this Judgment be granted on proper application as per rules.

.....
S.K. Mishra, J.

Orissa High Court, Cuttack.
Dated, 11th September, 2026/Anisha