

# THE HIGH COURT OF ORISSA: CUTTACK

## STANDING ORDER NO. 2 OF 2023

**(In partial modification of Standing Order No. 1 of 2020)**

Pursuant to the observations made by the Hon'ble Supreme Court of India in Order dated 15<sup>th</sup> May, 2023 passed in **Pradhani Jani v. the State of Odisha (Criminal Appeal No. 1503/2023 arising out of SLP (Crl) No. 3241/2023)**, the Hon'ble High Court of Orissa has been pleased to issue following instructions modifying **paragraphs 1, 2 and 3 of Standing Order No. 1 of 2020** relating to listing of bail applications under sections 438 Cr.P.C. and 439 Cr.P.C.:

**1. All the bail applications under section 438 Cr.P.C. arising out of the same FIR shall be placed before one Bench.**

- (i) While scrutinizing a bail application under section 438 Cr.P.C., the Stamp Reporting Section shall verify if other bail applications under section 438 Cr.P.C. arising out of the same FIR were disposed of earlier. The Stamp Reporter shall indicate the dates of disposal of the earlier bail applications along with the names of the Hon'ble Judges who decided those applications.
- (ii) The subsequent bail applications under section 438 Cr.P.C. including applications for interim bail shall be listed before the Hon'ble Judge who, at the earliest, decided any of the earlier bail applications under section 438 Cr.P.C. arising out of the same FIR (decided on merit or disposed of as withdrawn/not pressed). In the event the Hon'ble Judge is not available on account of superannuation, transfer etc or recuses, the said application shall be listed before the Hon'ble Judge who next disposed of any of those bail applications, and so on. If none of the Hon'ble Judges who decided the earlier bail applications is available, the application shall be listed before the regular Bench as per roster.
- (iii) While listing a subsequent bail application under section 438 Cr.P.C. the final orders of all the earlier bail applications under section 438 Cr.P.C. arising out of the same FIR shall be tagged.

**2. All the bail applications under section 439 Cr.P.C. arising out of the same FIR shall be placed before one Bench.**

- (i) While scrutinizing a bail application under section 439 Cr.P.C., the Stamp Reporting Section shall verify if other bail applications under section 439 Cr.P.C. arising out of the same FIR were disposed of earlier. The Stamp Reporter shall indicate the dates of disposal of the earlier bail applications along with the names of the Hon'ble Judges who decided those applications.
- (ii) The subsequent bail applications under section 439 Cr.P.C. including applications for interim bail shall be listed before the Hon'ble Judge who, at the earliest, decided any of the earlier bail applications under section 439 Cr.P.C. arising out of the same FIR (decided on merit or disposed of as withdrawn/not pressed). In the event the Hon'ble Judge is not available on account of superannuation, transfer etc. or recuses, the said application shall be listed before the Hon'ble Judge who next disposed of any of those bail applications, and so on. If none of the Hon'ble Judges who decided the earlier bail applications is available, the application shall be listed before the regular Bench as per roster.
- (iii) While listing a subsequent bail application under section 439 Cr.P.C. the final orders of all the earlier bail applications under section 439 Cr.P.C. arising out of the same FIR shall be tagged.

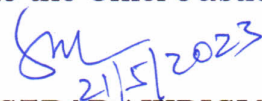
**3. If no previous bail application under section 438 or 439 Cr.P.C. arising out of an FIR has been disposed of by any Bench (even if filed), the subsequent bail application under section 438 Cr.P.C. or 439 Cr.P.C. arising out of the same FIR shall be listed before the roster Bench.**

**All other instructions except paragraphs 1, 2 and 3 of Standing Order No. 1 of 2020 shall remain in force.**

This will come into force with immediate effect.

Dated, Cuttack, the 21<sup>st</sup> May, 2023.

By Order of  
Hon'ble the Chief Justice

  
**REGISTRAR (JUDICIAL)**