

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV NO. 1 of 2022

Subrat Kumar Ray

....

Petitioner

Mr.D.P.Dhala, Adv.

-versus-

State of Odisha & another

....

Opposite Parties

Mr. K.Gaya,ASC

CORAM:

MR. JUSTICE S.K. PANIGRAHI

ORDER

03.02.2022

Order No.

01. 1. This matter is taken up virtual mode.

2.The petitioner has filed this revision application under Section 401 read with Section 397 of Cr.P.C with a prayer to set aside the order relating to the framing of charge under Section 376(2)(n)/506 of the Indian Penal Code on 23.10.2021 passed by learned Assistant Sessions Judge, Women's Court, Khurda, in S.T. Case No.20 of 2021.

3. Learned counsel for the petitioner submits that without perusing the materials available on record, the learned ASJ-cum-Women's Court, Khurda, has framed charges against the petitioner. It is further submitted that the revision petition is maintainable on the ground that the prosecutrix is a 23 year-old, she is a consenting party and there are no signs indicating a recent sexual intercourse.

4. Learned counsel for the State submits that all the averments made in the petition can be raised during course of trial before the court below as charges have already been framed and the

trial of the case is to commence. There are no infirmities in the order of the learned court below. Hence it should be dismissed.

5. On perusal of the materials available on record and considering the aforesaid submissions, this Court does not find any infirmities in the order of the court below.

6. Accordingly, the CRLREV is dismissed.

7. However, learned counsel for the petitioner is at liberty to raise all the contentions as averred in this application before the trial court at the time of framing the charges.

8. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge