

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1022 of 2017

Pramod Kumar Rath & others* *Petitioners

Mr. G. Mohanty, proxy counsel on behalf of
Mr. B. Pr. Das, Advocate

-versus-

State of Odisha and another.* *Opposite Parties

Mr. Prem Kumar Pattnaik, AGA for O.P.No.1-State
Mr. B. Sahoo, Advocate for O.P. No.2

**CORAM:
JUSTICE M.S. RAMAN**

ORDER

02.12.2022

Order No.

11. 1. This petition under Section 482 of Cr.P.C. has been filed by the petitioners with a prayer to quash the criminal proceeding *vide* Katarabaga P.S. Case No.9 dated 16th January, 2017, registered for alleged commission of offences punishable under Sections 341, 323, 506/34 of IPC and Section 25 of the Arms Act, corresponding to G.R. Case No.139 of 2017 in the court of the learned S.D.J.M., Sambalpur.
2. At the time of hearing today, Mr. G. Mohanty, learned proxy counsel on behalf of Mr. B. Pr. Das, learned Advocate appearing for the petitioners, seeks permission to withdraw this petition.
3. Mr. Prem Kumar Pattnaik, learned Addl. Government Advocate appearing for the Opposite Party No.1-State submitted that in the meanwhile the Final Form in the aforesaid case has already been submitted by the Investigating Officer to the effect that there was insufficient evidence to

proceed against the petitioners in the aforesaid case. In support of his submission, he has also filed a memo enclosing the photocopy of the said Final Form in Court today for perusal.

4. The conclusion portion of the Investigating Officer in the Final Form reads as thus:-

“During course of investigation spot was visited, complainant as well as witnesses were examined and recorded their statement u/s. 161 Cr.P.C. who will proved the occurrence ROR of surendra Behera has been seized and after verification the same was left in zima to his son Krushna Gopal Behera after preparing proper zimanama. I have been tried to find out clue about this matter but the witnesses could not prove the matter this case was supervised by Shri G.B. Mohanty, SDPO (S), Sambalpur and I have carry out his viable instruction. Compliance to the S. Note of my SDPO has been submitted and order of the same was obtained Vide Msg No.3584 DCRB-CR dt. 30.04.2017. Sincere step have been taken to find out clue in this case but the witnesses could not prove regarding the matter. Investigation of this case is the completed during investigation no concrete evidence came to light that to charge sheet the case. Hence I submitted the FR insufficient evidence U/s.341/323/506/34 IPC. r.w. 25 Arms Act. Vide FR No.46 dt.30.04.2017 which may kindly be accepted.”

5. In view of the aforesaid subsequent event, this CRLMC is disposed of as infructuous.

6. Interim order dated 19th December, 2018 passed by this Court stands vacated.

7. Registry is requested to communicate this order to the court concerned.

(M.S. Raman)
Judge