

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.972 of 2011

Rashmi Ranjan Rout and others		Petitioners
		Ms. S. Pattnaik, Advocate
	-Versus-	
State of Odisha		Opposite Party
		Mr. S.N. Das, ASC

CORAM:
JUSTICE R.K. PATTANAİK

ORDER
18.02.2022

Order No.

- 07.
1. Heard learned counsel for the petitioners and learned counsel for the State.
 2. Instant application is filed under Section 482 Cr.P.C. by the petitioners challenging the order of cognizance dated 7th June, 2010 passed in C.T. Case No.18 of 2010 by the learned J.M.F.C., Narasinghpur punishable under Section(s) 498-A/294/323/307/506 and 34 IPC read with Section 4 of the D.P. Act on the grounds, inter alia, that it is not tenable in law and therefore, liable to be quashed.
 3. Ms. S. Pattanaik, learned counsel for the petitioners submits that on a bare perusal of the F.I.R. and considering the materials on record, no case is, prima facie, made out especially with regard to an offence punishable under Section 307 IPC, inasmuch as, the victim informant received no grievous injuries on her person but then, the learned court below without considering the same has taken cognizance of an offence under Section 307 IPC as well and therefore, it deserves with interfered with in exercise of inherent jurisdiction of this Court under Section 482 Cr.P.C.
 4. Mr. S.N. Das, learned Additional Standing Counsel, on the other hand, contends that the circumstances under which the victim informant was subjected to torture and assault before lodging of

the report stands precisely described in the F.I.R. Mr. Das also read out the statement of the victim informant recorded under Section 161 Cr.P.C. in order to satisfy this Court that she was ill-treated and also assaulted couple of times and also immediately before the F.I.R. was lodged. A copy of the medical examination report vis-à-vis the informant which is at Annexure-3 is drawn to the attention of the Court in order to indicate the number of injuries received by her. On a perusal of Annexure-3, it is made to appear that the victim informant, who was medically examined on police requisition found to have certain injuries on her palm and other parts of body which are, of course, not grievous in nature.

5. But considering the statement of the victim under Section 161 Cr.P.C. and also the contents of the F.I.R. i.e. Annexure-1 and other materials leading to the incident during and in course of which the victim was allegedly ill-treated and assaulted, notwithstanding the fact that she did not receive any serious injuries which always does not necessarily be a requirement to suggest an offence under Section 307 IPC to have been committed, the Court is of the considered view that as, prima facie, a case is shown to have been made out, the learned court below, therefore, cannot be said to have committed any wrong or error in taking cognizance of offence including the offence under Section 307 IPC. As a necessary corollary, the Court is not persuaded to interfere with the impugned order vide Annexure-4 and accordingly, it is directed.

6. In the result, the CRLMC stands dismissed.

(R.K. Pattanaik)
Judge