

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No. 469 of 2006

Ramesh Barik & Others

.... Petitioners

Mr.S.K. Nanda, Adv.

- Versus -

State of Odisha & Anr.

.... Opp. Party

Mr. P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

09.09.2022

Order No.
09.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and Mr. P. Tripathy, learned Addl. Standing Counsel.
3. The petitioners have filed this revision challenging the order dated 14.07.2006 passed by learned J.M.F.C., M. Rampur in ICC Case No. 01/2005 whereby learned court below took cognizance of the offence under Sections 307/34 I.P.C and issued process against the accused persons.
4. After going through the impugned order as well as the submissions made by learned counsel for the petitioners including the complaint petition, it is seen that learned Court below has referred to certain documents available on record including medical documents and the statement of witnesses recorded in the inquiry under Section 202 Cr.P.C.
5. It is well settled that at the stage of taking cognizance, the Court is not required to make a roving inquiry to see whether the offences are made out or not. A prime facie satisfaction regarding commission of the offence is enough to persuade the court to take cognizance. Therefore, while not being inclined to interfere with

the order at this stage, the Crl. Revision is disposed of granting liberty to the petitioners to raise all such grounds as are available to them in law before the court below by filing appropriate application.

6. The Crl. Revision is disposed of.

7. The petitioners are directed to appear before the court below on 10th October, 2022 and shall be at liberty to move for bail. In case of rejection, they are at liberty to move the higher forum on the same day for which the records may be transmitted.

8. The case being of the year 2004, learned court below is directed to expedite the same.

(Sashikanta Mishra)
Judge

A.K. Rana

