

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3064 of 2012

N. Krishana Rao & others. ***Petitioners***

-versus-

State of Odisha & another. ***Opposite Parties***

CORAM: JUSTICE S.PUJAHARI

ORDER
30.03.2022

Order No.

- 04.
1. This matter is taken up through Hybrid mode.
 2. The petitioners in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) have prayed for quashing of the order dated 08.05.2012 passed by the learned S.D.J.M., Berhampur in I.C.C. No.46 of 2012 taking cognizance of the offences under Section 336 and 425/34 of IPC against them.
 3. Heard the learned counsel for the petitioner and the learned counsel for the opposite party no.2.
 4. Learned counsel for the petitioners submits that the impugned order of cognizance is liable to be quashed as the

same speaks of non-application of mind, inasmuch as Section 425 of IPC is not a penal provision.

5. Considering the aforesaid facts and submission made, this Court set-aside the impugned order and direct the Court below to re-address the question of cognizance within ten days of receipt of the certified copy of this order taking note of the facts and circumstances in this case. However, it is made clear that the petitioners shall not be given any chance of hearing at the stage of cognizance as they have no locus standi to be heard at the stage of cognizance.

6. With the aforesaid order, this CRLMC stands disposed of.

7. A copy of this order be communicated to the Court below forthwith.

(S. Pujahari)
Judge

MRS