

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1824 of 2011

Abhimanyu @ Rabindra Nahak & Petitioners
another.

-versus-

State & another. Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER
27.06.2022

Order No.

06.

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 28.05.2011 passed by the learned J.M.F.C., Aska in G.R. Case No.59 of 2008 rejecting their petition filed to commit G.R. Case No.59 of 2008 to the Court of Sessions for analogous trial with S.T. No.14 of 2010 as both are case and counter case.
3. Heard the learned counsel for the petitioners and the learned counsel for the State.
4. As it appears, the trial Court has refused to accept the prayer of the petitioners to commit the aforesaid case to the Court

of Session for analogous trial with S.T. No.14 of 2010 as the same is not a counter case to S.T. No.14 of 2010 and occurrence in both the cases are different.

5. On perusal of the materials available on record it is seen that the place of the occurrence in both the cases are different and the learned J.M.F.C., Aska taking into consideration of the same refused to accept the prayer of the petitioners that the case in question is counter case to the S.T. case committed. This Court finds no illegality in the impugned order as the case sought to be committed cannot be said to be a counter case to the case committed.

6. Accordingly, this CRLMC filed challenging the impugned order being devoid of merit stands dismissed. Interim order dated 20.06.2011 passed by this Court stands vacated.

7. However, liberty is given to the petitioners to seek transfer of the case in the appropriate Court as it is stated that for better appreciation of the evidence both the case are required to be tried by the same Court.

(S. Pujahari)
Judge

MRS