

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3290 of 2011

Bijaya Kumar Sahu.

....

Petitioner

-versus-

State of Odisha & another.

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER
04.05.2022

Order No.

07.

1. This matter is taken up through Hybrid mode.
2. The petitioner in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) has prayed for quashing of the order dated 12.05.1998 passed by the learned S.D.J.M., Dhenkanal in G.R. Case No.377 of 1997 taking cognizance of the offences under Sections 376 and 493 of IPC.
3. Heard the learned counsel for the petitioner and the learned counsel for the State.
4. It is submitted by the learned counsel for the petitioner that since the petitioner and the victim have now married with each other and residing as husband and wife, the impugned order of cognizance as well as the prosecution launched against the petitioner may be quashed.

5. Considering the facts and circumstances of the case, so also the fact that this is a case under Section 376 of IPC, this Court is not inclined to interfere with the impugned order on the ground of compromise.

6. However, since it is stated by the learned counsel for the petitioner that the petitioner is not on bail and now he is ready and willing to appear before the Court below and move for bail, this Court directs that if the petitioner surrenders and move for bail in the aforesaid case before the Court in seisin over the matter within ten weeks hence, the Court in seisin over the matter shall release him on bail on his furnishing a bail bond of Rs.10,000/- (rupees ten thousand) with one surety for the like amount subject to cooperating with the trial. This Court further observes that the petitioner must file the certified copy of this order in advance before the Court in seisin over the matter in order to enable the Court to commit the case to the Court of Sessions, if the Court finds that the case is triable by the Court of Sessions on the very date of his appearance.

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

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

(S. Pujahari)
Judge

MRS