

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.686 of 2011

Hadibandhu Panda *Petitioners*
versus-
State of Orissa and another *Opposite Parties*

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
25.02.2022

09. 1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 28th January, 2011 passed by the learned S.D.M., Kamakhyanagar in CrI. Misc. Case No.93 of 2009.
3. Heard the learned counsel for the parties.
4. Learned counsel for the Petitioner submits that in this case even though after lapse of two months from the date of order passed under Section 144 of Cr.P.C., the Magistrate has become functus officio under Section 144(4) of Cr.P.C., as there was no extension of the said order as per proviso of the aforesaid sub-section, the same lapsed proceed was converted under Section 145 of Cr.P.C., which is not permissible. Hence the same is liable to be quashed.
5. Learned counsel for the Opposite Party No.2 did not dispute the same.

6. On consideration of the facts and submissions made and also the mandate of Section 144 of Cr.P.C., this Court is of the view that the contention advanced by the learned counsel for the Petitioner appears to have sanction of law.

7. Accordingly, the Criminal Misc. Case is allowed and the impugned order is quashed.

(S. Pujahari)
Judge

DA

