

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1805 of 2012

Gangadhar Swain.

....

Petitioner

-versus-

State of Odisha.

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

30.03.2022

Order No.

06.

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 30.11.1991 passed by the learned S.D.J.M., Jajpur in G.R. Case No.680 of 1991 taking cognizance of the offence under Section 379/34 of IPC.
3. Heard the learned counsel for the petitioner and the learned counsel for the State.
4. Considering the facts and circumstances of the case, so also the submission advanced on behalf of the learned counsel for the petitioner, this Court is not inclined to interfere with the impugned order.

5. Hence, giving liberty to the petitioner to raise all the contentions at the time of framing of charge, if charge has not been framed in the meanwhile, this CRLMC stands disposed of being dismissed. Interim order dated 02.08.2012 passed by this Court stands vacated.

6. However, it is stated by the learned counsel for the petitioner that the petitioner was earlier released on bail on the P.R. bond. If that be so, 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 six weeks hence, the Court in seisin over the matter shall allow him to go on bail on such terms and conditions as deemed just and proper, provided he is not indicted in any other graver offence.

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

(S. Pujahari)
Judge

MRS