

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 4828 of 2014

Dr. Puspanjali Mishra

....

Petitioner

Mr. Dharanidhar Nayak, Senior Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Ishwar Mohanty

Additional Standing Counsel

**CORAM:
THE CHIEF JUSTICE**

ORDER

29.07.2022

Order No.

- 07.
1. It is pointed out by Mr. Dharanidhar Nayak, learned Senior Advocate appearing for the Petitioner that at the time when order taking cognizance was passed by the learned S.D.J.M., Bolangir in G.R. Case No.463 of 2013 under Section 304 of IPC, the Petitioner was still a Government servant and such order could not have been passed without previous sanction of the Government.
 2. On this short point, there is no dispute raised by the counsel for the State.
 3. In that view of the matter, while setting aside the impugned order dated 15th January, 2014 of the learned S.D.J.M., Bolangir taking cognizance of the offence under Section 304 of IPC against the Petitioner in the manner indicated, the matter is directed to revive before the S.D.J.M., Bolangir to be proceeded with in accordance with law.

4. The matter will be listed before the learned S.D.J.M., Bolangir on 12th September, 2022. All other issues can be raised by the Petitioner in accordance with law before the said Court and the same will be decided by the said Court without being influenced by observations of this Court in this order.

5. The petition is disposed of in the above terms. The interim order passed earlier is hereby vacated.

6. The Superintendent of the concerned Branch is directed to communicate this order to the concerned Subordinate Court forthwith.

(Dr. S. Muralidhar)
Chief Justice

S. Behera

