

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.148 of 2022

Prasanta Kumar Sa

.... **Petitioner**
Mr. M. Chand, Advocate

-Versus-

State of Odisha

.... **Opposite Party**
Mr. P.K.Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
13.10.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. Instant petition under Section 482 Cr.P.C. is filed for quashing of the order of cognizance dated 3rd January, 2022 passed in C.T. Case No.160 of 2021 pending in the file of learned J.M.F.C., M.Rampur on the grounds stated therein.

3. Perused the copy of the FIR which is at Annexure-1.

4. Mr. Chand, learned counsel for the petitioner submits that the petitioner was a teacher and the time of his appointment, he produced some documents like mark-sheet etc. issued by CHSE, Orissa which were subsequently found to be fake and then he was removed from the service. It is further submitted that thereafter the FIR was

lodged consequent upon which Narla P.S. Case No.85 of 2021 was registered under Section 468 IPC.

5. However, at this juncture, Mr. Chand submits that the court below has issued non-bailable warrant of arrest which is pending execution.

6. On a bare reading of the contents of the FIR, the Court finds that the petitioner was found to have produced fake mark-sheet and other documents at the time his appointment as a teacher which was subsequently detected and later on, as submitted by Mr. Chand, he was removed from service. In any case, the Court finds that the learned court below did not commit any error or illegality in taking cognizance of the offence under Section 468 IPC and therefore, no reason lies to interfere with the same.

7. However, considering the submission that NBWA is pending execution since 3rd January, 2022, the Court is of the view that the petitioner should instead be directed to surrender before the court of learned J.M.F.C., M.Rampur in connection with C.T. Case No.160 of 2021 and allowed to go on bail which would serve the purpose for the present. In other words, the Court though not inclined to interfere with the order of cognizance but is of the view that the petitioner should be allowed to go on bail on his surrender before the court of learned J.M.F.C., M.Rampur.

8. Accordingly, it is ordered.

9. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned court of J.M.F.C., M.Rampur on or before 29th October, 2022 in connection with C.T. Case No.160 of 2021 corresponding to Narla P.S. Case No.85 of 2021

and in the event he surrenders, the court shall release him on bail with conditions.

10. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

TUDU

