

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1607 of 2011

Gundu @ Ranjan Choudhury. ***Petitioner***

-versus-

State of Odisha. ***Opposite Party***

CORAM: JUSTICE S.PUJAHARI

ORDER
16.03.2022

Order No.

07. 1. This matter is taken up through Hybrid mode.
2. The petitioners in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) has prayed for quashing of the order of cognizance dated 21.03.2009 passed by the learned J.M.F.C., Suroda in G.R. Case No.151 of 2007 taking cognizance of the offences under Sections 341, 324 and 307 of IPC.
3. During course of hearing, learned counsel for the petitioner does not want to press this application, but submits that since the petitioner was earlier on bail, but on addition of higher offence the learned J.M.F.C., Suroda having no jurisdiction to grant bail to him, necessary direction may be

issued to the learned J.M.F.C., Suroda to release him on bail on his surrendering.

4. In view of such submission, this CRLMC stands dismissed being not pressed. Interim order dated 29.07.2011 passed by this Court stands vacated.

5. However, since it is stated by the learned counsel for the petitioner that the petitioner was earlier on bail, but on addition of higher offence the Magistrate has no jurisdiction to grant him on bail in view of the offence under Section 307 of IPC prescribes imprisonment for life, this Court directs that if the petitioner surrenders and moves for bail 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 no other graver offence except Section 307 of IPC is pending against him.

6. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

MRS