

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2043 of 2011

Bijay Kumar Jaiswal

....

Petitioner

Mr. D.P.Dhal, Senior Advocate
and Mr.S.K.Dash, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. T.K.Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

20.10.2022

Order No.

19.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. In the instant case, the challenge is as to the impugned order under Annexure-3 passed by the learned court below whereby the application for discharge was rejected.
3. Learned counsel for the petitioner submits that the petitioner has been implicated merely on the ground of suspicion as there is no direct evidence. Considering the plea for discharge, the learned court below examined the case record, perused the statement of witnesses recorded under Section 161 Cr.P.C. and finally reached at a conclusion that suspicion is writ large with regard to the involvement of the petitioner and accordingly, it rejected the request for discharge vide Anneuxre-3.

4. Mr. Praharaj, learned counsel for the State on the other hand submits that since the materials on record have been gone through by the learned court below and a subjective satisfaction was arrived at regarding the involvement of the petitioner rightly therefore the impugned order under Annexure-3 was passed. The LCR was called for and the Court perused the same from which it is made to reveal that charge has already been framed.

5. Considering the above facts, the Court is of the view that the impugned order under Annexure-3 does not call for any interference. Rather, the petitioner should be allowed to participate in the trial raising his plea that he was not involved in the alleged incident and never a part of a criminal conspiracy which is being alleged by the prosecution.

6. Accordingly, it is ordered.

7. The CRLMC stands disposed of.

(R.K. Pattanaik)
Judge