

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1145 of 2011

A.Janaki Ram Rao @ A.Janaki Rao Petitioner
Mr. T.K.Acharya, Advocate

-Versus-

State of Orissa Opposite Party
Mr. D.R.Parida, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

Order No. ORDER
25.03.2022

14. 1. Heard learned counsel for the petitioner and learned counsel appearing for the State.
2. This is an application under Section 482 of Cr.P.C filed by the petitioner seeking the order of cognizance dated 18th January, 2011 passed G.R. Case No. 1081 of 2010 arising out of Gopalpur P.S. Case No. 105 pending in the file of learned SDJM, Berhampur to be quashed on the ground that there is absence of material regarding his involvement vis-à-vis the alleged incident dated 9th October, 2010.
3. It is contended that there is no specific allegation made against the petitioner by any of the witnesses, whose statements have been recorded by the police under Section 161 Cr.P.C. However, it is fairly admitted by the learned counsel for the petitioner that the name of the petitioner stands mentioned in the F.I.R. dated 9th October, 2010 along with other accused persons alleging their involvement in the occurrence. It is, however, submitted that the petitioner with other accused persons was in fact protesting against the establishment of an IMFL off shop and in that connection, he was implicated.

4. On the other hand, Mr. Parida, learned counsel for the State submits that not only the name of the petitioner finds a place in the F.I.R. with the allegations of overt acts committed by him and others but also his involvement has been alleged which is elicited from the statement of the witnesses, namely, M. Madhu and B. Alma. It is also contended that considering the aforesaid evidence on record, it cannot be said that the petitioner was not at all involved in the alleged occurrence.

5. Considering the submissions of the learned counsel for the parties and taking into account the statements of the witnesses named above recorded under Section 161 Cr.P.C., the Court is not inclined to quash the proceeding in exercise of inherent jurisdiction Section 482 of Cr.P.C. In fact, the truthfulness or otherwise of the allegations made are always subject to scrutiny in the trial. Thus, without expressing anything on the merits of the case, the Court reaches at a conclusion that there is prima facie material to show involvement of the petitioner and therefore, rightly, the learned court below passed the order of cognizance. In other words, the impugned order under Annexure-3 suffers from no legal infirmity.

6. Resultantly, the CRLMC stands dismissed.

(R.K. Pattanaik)
Judge