

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.62 of 2014

Pratap Pyarilal Patel

.... **Petitioner**
Mr. B.Mohanty, Advocate

-Versus-

State of Odisha & Others

.... **Opposite Parties**
Mr. Pradip Ku.Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
25.08.2022

Order No.

04.

1. Heard learned counsel for the petitioner and learned counsel for the State. None appears for opposite party Nos. 2 to 4. In fact, notice was issued against opposite party No.4 and has been served since the A.D. has returned back after valid service.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the proceeding in S.T. Case No. 195 of 2013 arising out of Mahulapali P.S. Case No.075 (14) of 2013 pending before the court of learned Sessions Judge, Sambalpur on the grounds stated therein.
3. Perused the F.I.R.
4. As is revealed from the F.I.R., Mahulapali P.S. Case No. 75(14) of 2013 dated 16th July, 2013 was registered under Section 354-A/509

IPC, Section 10 of the POCSO Act and Section 3 of SC & ST (PA) Act. The informant described the alleged incident and the overt acts allegedly committed by the petitioner.

5. Learned counsel for the petitioner submits that the father of the victim has not supported the allegations and in fact, filed an affidavit in the year, 2014. At this point of time, the learned counsel for the petitioner is however unable to share any information with regard to the status of the case. This Court by order dated 10th January, 2014 passed an interim order in M.C. Case No. 51 of 2014 directing that no coercive action shall be taken against the petitioner in connection with Sambalpur, Mahulapali P.S. Case No. 075(14) of 2013, corresponding to S.T. No. 195 of 2013. Whether there is a case made out or not and if at all, it is a false shall be examined during inquiry and trial. No doubt, the victim's father has filed an affidavit but on that basis, the criminal proceeding lying before the court below cannot be quashed. As to the victim's father applying for recording her statement under Section 164 Cr.P.C. is concerned, the settled law is that unless sponsored by the State, it cannot be entertained.

6. In any view of the matter, having regard to the fact that the case is pending since 2014, the Court is not inclined to indulge itself further. Furthermore, the Court is also not inclined to interfere in so far as the criminal proceeding pending before the court is concerned on merits as no such ground has been made out.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands dismissed. However, considering the interim order passed by this Court in the year 2014

with a protection in favour of the petitioner, he is directed to surrender before the court of learned Sessions Judge, Sambalpur in S.T. Case No. 195 of 2013 arising out of Mahulapali P.S. Case No. 075(14) of 2013 and in the event of his surrender on or before 15th September, 2022, the court shall release him on bail subject to conditions. It is further directed that the learned court below shall do well to expedite the inquiry and trial as early as possible preferably within a period of six months unless there is any legal impediment.

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



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