

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 222 of 2022

Amardeep Kumar

....

Petitioner

Mr. Jagabandhu Sahu, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Tapas Kumar Praharaj, SC,

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

28.09.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner praying for quashing of the criminal proceeding in G.R. Case No.76 of 2017 arising out of Loisingha P.S. Case No.83 of 2017 pending in the file of learned J.M.F.C., Loisingha on the grounds stated therein.
3. Learned counsel for the petitioner instead of pressing the matter on merits submits that petitioner does not have criminal antecedent and he is not directly involved in the alleged robbery and one of the co-accused persons, who faced trial in S.C. No.09 of 2018 has been acquitted for the offence under Section 395 IPC and considering the same, he should be directed to surrender in G.R. Case No.76 of 2017 and allowed to go on bail which is objected to by the learned counsel for the State.

4. However, there is material on record to shows that prima facie the petitioner is involved in the alleged offence under Section 395 I.P.C.

5. It is informed to the Court by the learned counsel for the petitioner that the petitioner does not have criminal track record except the present case. In view of the limited prayer of the learned counsel for the petitioner, the Court is of the view that petitioner should be directed to surrender before the learned court below so as to ensure immediate commencement of the trial which would instead serve the purpose.

6. Accordingly, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned J.M.F.C., Loisingha on or before 20th October, 2022 in G.R. Case No.76 of 2017 arising out of Loisingha P.S. Case No.83 of 2017 and in the event of surrender, he shall be released on bail on such terms as deem fit and proper in the facts and circumstances of the case subject to confirmation that he does not have criminal antecedent of similar nature.

7. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge