

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC NO.1933 of 2016

Rajkishore Sahu @ Raja Sahoo

.... ***Petitioner***
Ms.S.Mohanty, Advocate.

-versus-

State of Orissa

.. ***Opp.Party***
. Ms.S.Patnaik, AGA

CORAM:
JUSTICE CHITTARANJAN DASH

ORDER
21.10.2022

Order No.

05.

1. Learned Counsel for the Petitioner is present. By means of this application, she submits to quash the proceeding initiated against the Petitioner in connection with Barkot P.S.Case No.276 dated 16th October, 2015 corresponding to C.T.Case No.933 of 2015 pending on the files of the learned S.D.J.M, Deogarh.

2. The Petitioner is allegedly to have been involved in the offence under Sections 448/294/354/323/325/506/34 of Indian Penal Code.

3. It is contended by the learned counsel for the Petitioner that the narration in the F.I.R implicates only the accused Braja Sahoo and there appears no material with respect to the present Petitioner involving him in the offence alleged and as such if the proceeding is allowed to continue, besides causing prejudice to the Petitioner, it would amount to abuse of process of law.

4. Learned A.G.A on the other hand submits that the very F.I.R clearly indicates that the Petitioner is equally contribute to the alleged crime individually as well as in furtherance of the common intention and rightly alleged Section 34 of the Indian Penal Code.

5. In the application U/s. 482 of Cr.P.C, the Court is not to weigh the gravity of the offence and that would culminate in probability of a conviction but to see if the materials available in the record thereby require a trial to commence.

6. The narration in the F.I.R apparently discloses the involvement of the present Petitioner along with Braja Kishore Sahoo. The extent of involvement and ultimate result can only be traced from a trial. Consequently, no illegality seems to have committed by the learned court below that calls for an interference with the impugned order. Accordingly, the CRLMC stands dismissed.

(Chittaranjan Dash)
Judge

B.C.Mohanty