

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 301 of 2022

Maheswar Sahu

....
Mr. Subir Palit, Senior Advocate

Petitioner

-Versus-

State of Odisha

....
Mr. T.K. Praharaj, S.C.

Opposite Party

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

23.11.2022

Order No.

04.

1. Mr. Subir Palit, learned Senior Advocate for the petitioner and Mr. T.K. Praharaj, learned Standing Counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner challenging the criminal proceeding in Reamal P.S. Case No.84 2013 corresponding to C.T. Case No.357 of 2013 pending in the court of learned J.M.F.C., Reamal on the grounds stated therein.
3. Copy of the FIR at Annexure-1 is perused by the Court.
4. Mr. Palit, learned Senior Advocate for the petitioner submits that on a bare reading of the FIR i.e. Annexure-1 and other materials gone through even at its face value, there is no direct evidence in order to show the involvement of the petitioner in the illegal mining and transportation of iron ore from within the forest area, consequent upon which, Reamal P.S. Case No.84 of 2013 was registered under Sections 379, 120(B), 34 IPC and Section 56 of the Orissa Forest Act.

5. Mr. Praharaj, learned Standing Counsel for the State on the other hand submits that since in the meantime chargesheet has been filed, the petitioner may raise any such ground at the time of framing of charge before the learned court below.

6. At this juncture Mr. Palit, learned Senior Advocate for the petitioner submits that liberty may be granted to move the court below to raise all the grounds while seeking discharge.

7. Considering the above submission of Mr. Palit, learned Senior Advocate, the Court is of the view that as chargesheet has been filed against the petitioner in the meantime, he should be granted liberty to agitate such the grounds by applying for discharge before the learned court below.

8. Accordingly it is ordered.

9. Consequently, the CRLMC stands disposed of with liberty to the petitioner to raise all the points available to him under law at the time of discharge in connection with C.T. Case No.357 of 2013 arising out of Reamal P.S. Case No.84 of 2013, which on being so moved, the same shall be considered by the learned court below as per and in accordance with law.

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

(R.K. Pattanaik)
Judge