

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV No.98 of 2020

Sitaram @ Sritam Barik

.... ***Petitioner***
Mr.N.K. Sahu, Adv.

-versus-

State of Odisha

.... ***Opp. Party***

Mr. K. Gaya, ASC

CORAM:
MR. JUSTICE S.K. PANIGRAHI

ORDER
10.01.2022

Order No.

- 05.
1. This matter is taken up through Video Conferencing mode.
 2. Heard learned counsel for the Petitioner and the learned Additional Standing Counsel for the State.
 3. In this CRLREV, Petitioner has assailed legality of the order dated 25.11.2019 passed by the learned S.D.J.M., Bhadrak in G.R. Case No.1529 of 2019 corresponding to Bhadrak Town P.S. Case No.243 of 2019 taking cognizance of commission of offences under Sections 419/ 109/ 34 of the Indian Penal Code (for short 'the I.P.C.').
 4. Learned counsel for the Petitioner submits that taking of cognizance is not an empty formality. There should be sufficient ground while taking cognizance. He further submits that the impugned order passed is bereft of any cogent reasoning for making out a case against the present petitioner. Therefore, the impugned order may be quashed.
 5. Learned Additional Standing Counsel for the State contends that despite availability of revisional forum i.e. the court of learned District and Sessions Judge, Bhadrak, the petitioner has

directly come to this Court challenging the impugned order. The petitioner should have exhausted the remedy available to him at his door step instead of coming to this Court.

6. In view of such facts and submissions made, the petitioner is directed to approach the learned District and Sessions Judge, Bhadrak with the similar reliefs sought for in this CRLREV within a period of one month hence. If the petitioner files an application for condonation of delay, the same shall be considered by the learned District and Sessions Judge, Bhadrak.

7. With the above observations, this CRLREV is disposed of.

8. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 and Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

BJ