

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.493 of 2022

Rita Nayak

....

Petitioner

Mr. A. Mishra, Advocate

-versus-

State of Orissa and another

....

Opposite Parties

Mr. S.N. Mishra, A.G.A.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

05.04.2022

Order No.

01.

1. Heard Mr. A. Mishra, learned counsel for the Petitioner as well as Mr. S.N. Mishra, learned A.G.A. for the State-Opposite Party No.1.

2. The order taking cognizance dated 17.3.2011 by the learned S.D.J.M., Jeypore concerning the offences under Secs.294/498-A/323/506/34, I.P.C. and Sec.3(1)(x) of the S.C. & S.T. (POA) Act is challenged in the present petition.

3. Learned counsel for the Petitioner submits that since the said order of cognizance was issued by the learned Magistrate without having jurisdiction over the matter, the same needs to be quashed.

4. Perusal of the order dated 7.2.2017 and 9.2.2017 reveals that the record was subsequently transferred to the court of learned Special Judge, Jeypore and fresh NBW of arrest was issued by the learned Special Judge, Jeypore. The Petitioner having not challenged the subsequent order of the learned Special Judge,

Jeypore issuing of NBW, the present challenge limiting to earlier order dated 17.3.2011 of the learned Magistrate only, which undoubtedly merged with the subsequent order of the Special Judge, is not found entertainable.

5. Resultantly, the CRLMC is dismissed.

(B.P. Routray)
Judge



B.K. Barik