

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2482 of 2015

Niranjan Majhi

.... **Petitioner**
Mr. J.N.Panda, Advocate

-Versus-

State of Orissa and Another

.... **Opposite Parties**
Mr. Tapas Kumar Praharaj, SC, OP No.1
Mr. S.R. Pati, Advocate for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
17.11.2022

Order No.

- 09.
1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for opposite party No.2.
 2. In the instant case, challenge is as to the registration of Bhawanipatna Sadar P.S. Case No.196 (29) of 2014 corresponding to C.T. Case No.646 of 2014 pending in the file of learned S.D.J.M., Bhawanipatna (now before the Additional Sessions Judge, Special Court under POCSO, Bhawanipatna) on the grounds stated therein.
 3. Copy of FIR is perused.
 4. On the lodging of the report, Bhawanipatna Sadar P.S. Case No.196 (29) of 2014 was registered for the offence under Section 363 IPC. It is informed to the Court that in the meantime, the investigation was concluded and chargesheet has been filed. Learned counsel for the petitioner submits that considering the statement of the victim recorded under Section 164 Cr.P.C., no offence has been

made out so also the offence under the POCSO Act, inasmuch as, the FIR otherwise reveals that it to be a case of elopement and therefore, the criminal proceeding pending before the learned Special Court should be quashed in the interest of justice, which is objected by Mr. Praharaj, learned counsel for the State that there is a prima facie case made against the petitioner.

5. A copy of the statement of victim recorded under Section 161 Cr.P.C. is produced and the same is perused.

6. Having regard to the fact that the victim was a minor aged 14 years by the time the incident and there is material to show that she left her parental house without consent of her guardian for which the FIR was lodged but considering the submission of learned counsel for the petitioner and taking into account the statement of the victim recorded under Section 164 Cr.P.C. the Court is of the view that the petitioner should be directed to surrender and released on bail.

7. Accordingly it is ordered.

8. Consequently, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned Additional Sessions Judge, Special Court under POCSO, Bhawanipatna on or before 9th December, 2022 in C.T. Case No.646 of 2014 arising out of Bhawanipatna Sadar P.S. Case No.196(29) of 2014 and in the event he surrenders, the court below shall release him on bail subject to conditions as would be fixed by the learned court below.

(R.K. Pattanaik)
Judge