

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 685 of 2016

Rasmirekha@ Rasmilata Ray and Petitioners
Another

Mr. B.K. Dash, Advocate

-versus-

State of Odisha and Another Opposite Parties

Mr. J. Katikia, Addl. Govt. Advocate

CORAM:
THE CHIEF JUSTICE

Order No. **ORDER**
23.09.2022

06. 1. A perusal of the order dated 10th November, 2014 passed by the learned J.M.F.C. (S), Cuttack in G.R. Case No.1570 of 2009 arising out of Purighat P.S. Case No.171 of 2009 reveals that cognizance has been taken against the present Petitioner for the offences under Sections 323, 294, 354, 506 read with Section 34 IPC. However, a perusal of the FIR reveals that the offences are said to have been lodged on 21st December, 2009 i.e. five years prior to the order taking cognizance.
2. The formal FIR itself was registered more than five years after the complaint was made. It has been completely overlooked that in terms of Section 468 Cr PC, the case is clearly time barred vis-à-vis each of the offences complained of and no cognizance thereof could have taken.
3. On that ground, the impugned order dated 10th November, 2022 and all proceeding pursuant to G.R. Case No.1570 of 2009 arising

out of Purighat P.S. Case No.171 of 2009 pending in the Court of learned JMFC, Cuttack are hereby quashed.

4. The CRLMC is disposed of. An urgent certified copy of this order be issued as per rules. A copy of this order be communicated forthwith to the concerned Subordinate Court.

(Dr. S. Muralidhar)
Chief Justice

S.K. Jena/Secy.

