

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.352 of 2022

Chhabilal Padhan

....

Petitioner

*Mr. R.Prusty,
Advocate*

-versus-

State of Odisha & others

....

Opp. Parties

*Mr. Sk. Zafrulla,
Additional Standing Counsel*

**CORAM:
JUSTICE BISWAJIT MOHANTY**

**ORDER
15.03.2022**

Order No.

02.

1. This matter is taken up through video conferencing mode.

2. Heard Mr.R.Prusty, learned counsel for the petitioner and Mr.Zafrulla, learned Addl. Standing Counsel.

3. According to Mr.Prusty while at the instance of the petitioner Rengali P.S. Case No. 164 dated 17.11.2021 has been registered for commission of offences under Sections 342, 427, 395 and 397 I.P.C., however while filing the charge sheet No. 164 dated 20.1.2022, the same has been filed under Sections 342, 427, 147, 148, 379, 323, 294, 506 and 149 I.P.C. ignoring the provisions under Sections 395 and 397 I.P.C. though there exists enough materials for filing charge sheet under the said sections. Since the accused has not been charge sheeted for such higher offences, he submits that liberty may be granted to the petitioner to file a protest petition before the jurisdiction

kishore

Court.

4. Considering the submissions made and without expressing any opinion on the merits of the case, this Court grants liberty to the petitioner to file a protest petition before the jurisdictional Court. It is made clear that in case such a petition is filed, the jurisdictional Court is directed proceed with the same in accordance with law.

5. The CRLMP is accordingly disposed of.

6. Urgent certified copy of the order be granted on proper application.

