

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.732 of 2018

Sanjay @ Sanjaya Kesharin Mohapatra
and Others

Petitioners

Mr.Niranjan Panda, Advocate

-Versus-

State of Orissa

.... Opposite Party
Mr. T.K. Praharaj, S.C.

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
12.12.2022

Order No.

06.

1. Heard Mr. J. Panda, learned counsel for the petitioners and Mr. T.K. Praharaj, learned Standing Counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners assailing the order of cognizance dated 19th December, 2017 passed by the learned J.M.F.C., Nimapara in G.R. Case No.597 of 2017 arising out of Nimapara P.S. Case No.230 of 2017 and also the entire criminal proceeding in G.R. Case No.597 of 2017 on the grounds stated therein.
3. A copy of the FIR is at Annexure-1 and charge-sheet as at Annexures-2 are perused, wherein the petitioners have been alleged for the offence under Sections 294, 506, 429 and 34 of IPC and Section 11(1)(a)(c) of Prevention of Cruelty to Animal Act (PCA), 1990 (1934 of AD).
4. Mr. Panda, learned counsel for the petitioners submits that none of the petitioners were present at the spot which has been alleged in the FIR at Anenxure-1 but then chargesheet has been filed

against the present petitioners by the local police. It is further submitted that since the petitioners have been acquitted in the criminal case i.e. in S.T. Case No.14/58 of 2012, in order to wreck vengeance, the present FIR has been lodged against the petitioners. Therefore in the facts and circumstances of the case, the criminal proceeding should be quashed in the interest of justice, which is objected to by Mr. Praharaj, learned counsel for the State on the ground that such a ground cannot be entertained for quashing the criminal proceeding in exercise of inherent jurisdiction under Section 482 Cr.P.C.

5. The plea of alibi which has as taken by Mr. Panda is to be examined by the learned court below during and in course of trial as to whether out of personal grudge or something else as alleged in the FIR has to be determined by the court below at the end of trial. In other words, the Court is not inclined to exercise the inherent jurisdiction under Section 482 Cr.P.C. to quash the criminal proceeding in G.R. Case No.597 of 2017 as has been prayed for by learned counsel for the petitioners.

6. At this juncture, Mr. Panda, learned counsel for the petitioners submits that if the Court is not inclined to quash the criminal proceeding in G.R. Case No.597 of 2017 then at least direction may be issued to the court below to expedite the trial of the case in the above case.

7. Considering the above submissions of Mr. Panda, learned counsel for the petitioner, this Court is not inclined to quash the criminal proceeding under Annexure-2 but however the Court is of the view that since the matter is of the year 2017, learned J.M.F.C., Nimapara can be directed to commence the trial of the case expeditiously, which would ultimately serve the purpose.

8. Accordingly, it is ordered.

9. In the result, the CRLMC stands disposed of with a direction to the learned J.M.F.C., Nimapara to commence the trial of the case in G.R. Case No.597 of 2017 arising out of Nimapara P.S. Case No.230 of 2017, as expeditiously as possible preferably by 30th April, 2023 and report compliance.

10. Issue urgent certified copy of this order on proper application.

(R.K. Pattanaik)
Judge

U.K.Sahoo

