IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3452 of 2015

Nayana Das @ Behera .... Petitioner
Mr. N. Behera, Advocate

-Versus-

State of Odisha .... Opposite Party
Mr. G.R. Mahapatra, ASC

CORAM:
JUSTICE R.K. PATTANAIK

ORDER

Order No. 22.07.2022

08. 1. Heard learned counsel for the petitioner and learned counsel for the State.

2. This is an application under Section 482 Cr.P.C. filed by the petitioner for quashing of the order of cognizance dated 25th June, 2014 passed in G.R. Case No.51 of 2014 pending in the file of learned S.D.J.M., Udala on the grounds stated therein.

3. Gone through the F.I.R. and other connected documents including the charge sheet besides the order of cognizance dated 25th June, 2014 under Annexure-3.

4. Learned counsel for the petitioner submits that no prima facie case is made out against the present accused for the offences punishable under Sections 498-A/506/494 read with Section 34 IPC since because she is not a relative of the accused.

5. The learned counsel for the State, on the other hand, submits that the petitioner happens to be the second wife of the accused

husband of the complainant and therefore, rightly the charge sheet was filed under the alleged offence and the learned court below correctly took cognizance of the same, which therefore, calls for no interference.

6. Considering the nature of allegations in the F.I.R. and the only ground upon which the order of cognizance is challenged by the petitioner being that she is not the relative of the husband of the complainant, which may also be raised at the time of framing of charge, the Court is not inclined to interfere with order under Annexure-3.

7. It appears that subsequent to the filing of charge sheet, the learned court below issued NBW against the petitioner which is revealed from the order dated 4th December, 2014 and it is submitted that he may be directed to go on bail pending enquiry and trial.

8. Having regard to the nature of offences alleged and in view of the peculiar facts and circumstances of the case that the petitioner is alleged to be the second wife of the complainant's husband and therefore, she has been implicated, the Court is of the view that she should be directed to surrender before the court below and go on bail subject to conditions and accordingly, it is ordered.

9. In the result, the CRLMC stands dismissed. However, the petitioner is directed to surrender before the court below in G.R. Case No.51 of 2014 and move for regular bail and in the event such bail is prayed for, she shall be released on bail subject to terms and conditions as would be deemed just and proper by the court concerned.

(R.K. Pattanaik)
Judge

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