

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.770 of 2020

Suryakanta Sarangi

....
Mr. R.N. Mohanty, Advocate

Petitioner

-Versus-

State of Odisha and Another

....
Mr. Tapas Kumar Praharaj, SC, OP No.1
None for OP No.2

Opposite Parties

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
05.12.2022

Order No.

03.

1. Heard learned counsel for the petitioner and learned counsel for the State. None appears for opposite party No.2.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner praying for quashing of the FIR in Badagada P.S. Case No.0287 of 2017 corresponding to C.T. Case No.4178 of 2017 on the grounds stated therein.
3. A copy of the FIR as at Annexure-1 is perused by the Court.
4. Learned counsel for the petitioner submits that the petitioner is in no way involved in the alleged transaction for which the FIR was lodged. It is further submitted that the dispute is entirely between accused No.1 and informant, who have had an agreement for sale and purchase of a piece of land. According to the learned counsel for the petitioner, the petitioner is a third party purchaser but then, he has been entangled in the case. It is informed to the Court by the learned counsel for the petitioner that the investigation is still in progress.

5. Mr. Praharaj, learned Standing Counsel for the State submits that it is a case of 2017 and if at all the investigation is underway, the petitioner, considering the submission so made that he is a third party purchaser, may approach the court below in the event the chargesheet is filed. In response to the above, the learned counsel for the petitioner submits that in that case, the petitioner should be directed to surrender and released on bail considering the nature of dispute between the principal accused and informant.

6. Considering the limited prayer, this Court disposes of the CRLMC with a direction to the petitioner to surrender before the learned S.D.J.M., Bhubaneswar on or before 22nd December, 2022 in C.T. Case No.4178 of 2017 arising out of Badagada P.S. Case No.287 of 2017 and in the event he surrenders, the court below shall release him on bail with conditions keeping in view the facts and circumstances of the case. The petitioner is also granted the liberty to raise all the legal points at the time of framing of charge.

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

(R.K. Pattanaik)
Judge