

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.50 of 2017

Chinu @ V.S.Chinmaya Ranjan ***Petitioner***
Mr. D.R.Nanda, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr.K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
22.04.2022

Order No.

- 07.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner as well as the learned Additional Standing Counsel.
 3. The present revision application has been filed challenging the order dated 03.10.2016 passed by the learned J.M.F.C., Odagaon in G.R.Case No.158 of 2016 whereby the learned magistrate took cognizance of the Offence punishable under Section 47(a) of the Bihar and Orissa Excise Act. He further challenges the order dated 01.09.2016 under Annexure-2 wherein N.B.W. has been issued against the Petitioner.
 4. It is submitted by the learned counsel for the Petitioner that the Petitioner has been implicated in the present case on the basis of the statement made before the Police. Therefore, he challenges the order of taking cognizance passed by the learned court below.
 5. Learned Additional Sessions Judge on the other hand submits

that the grounds taken by the learned counsel for the Petitioner for quashing cognizance is not at all a valid one. Therefore, only because on the basis of the confessional statement recorded by the Police cognizance cannot be quashed. He however, submits that there are other materials to make out a prima facie case under the alleged offence. It is also contended by the Petitioner that it is open for the Petitioner to participate in the trial. Therefore, this Court is not inclined to interfere with the order of taking cognizance at this stage.

6. However, considering the facts that the case is of the year 2016 the Petitioner shall appear before the trial court and cooperate with the trial. Considering such fact the order dated 01.09.2016 by the learned J.M.F.C., Odagaon in G.R. Case No.158 of 2016 is hereby set aside. The N.B.W. issued against the Petitioner is quashed. The Petitioner shall appear before the trial court within a period of three weeks from today positively failing which the order dated 01.09.2016 shall again be revived.

7. With the aforesaid observation the CRLREV stands disposed of.

8. Issue urgent certified copy of the order as per Rules.

RKS

(*A.K. Mohapatra*)
Judge