

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.205 of 2017

Pratap Bhoi

....

Petitioner

None

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. Iswar Mohanty, ASC

CORAM:
JUSTICE M.S. RAMAN

ORDER

11.11.2022

Order No.

- 03.** 1. Invoking provisions of Section 482 of the Code of Criminal Procedure, 1973, the Petitioner, Sri Pratap Bhoi, has approached this Court with a prayer for issue of direction to quash the F.I.R. in Jagatsinghpur P.S. Case No.173(3)/2013, dated 1st August, 2013 corresponding to G.R. Case No.726/2013 in the files of the learned S.D.J.M., Jagatsinghpur.
2. Reading of F.I.R. reveals that one Sri Madhusudan Das lodged complaint that the Petitioner (Sri Pratap Bhoi) kidnapped his daughter, who was 16 years of age. On the contrary, the Petitioner (Pratap Bhoi) claims that he had married the daughter (Swarnaprava Das) of the informant (Madhusudan Das) on 1st June, 2015. To establish such fact, photocopy of the certificate of marriage bearing No.395 of 2015 issued by Marriage Officer, Khurda, Bhubaneswar depicting the Petitioner (Sri Pratap Bhoi) married the victim girl (Smt Swarnaprava Das), daughter of informant (Sri Madhusudan Das) on 1st June, 2015 has been enclosed to the petition.

The copy of the order dated 27th August, 2015 passed in ABLAPL Case No.10641 of 2015 by this Court indicates that the Petitioner was directed to produce the victim girl (Swarnaprava Das) before the Investigating Officer on 4th September, 2015 in Jagatsinghpur P.S. Case No.173 of 2013. On such event, the Investigating Officer was directed to record statements under Section 161 Cr.P.C. and produce the victim girl before the learned S.D.J.M., Jagatsinghpur for recording of her statement under Section 164 of the Cr.P.C.

In the interregnum, it was also directed not to arrest the Petitioner in connection with G.R. Case No. 726 of 2013 pending in the Court of S.D.J.M., Jagatsinghpur arising out of Jagatsinghpur P.S. Case No.173 of 2013 till next date. However, the said ABLAPL was disposed of finally on 5th November, 2015, with the following observation:-

“Perused the records.

This is an application under section 438 Cr.P.C for grant of anticipatory bail to the Petitioner in connection with Jagatsinghpur P.S. Case No. 173(3) of 2014, corresponding to G.R. Case No. 726 of 2013 pending in the Court of learned S.D.J.M., Jagatsinghpur for alleged commission of offences under Sections 363, 366(A) of the IPC.

Having regard to the nature of allegations made against the Petitioner in the F.I.R. and considering the statement of victim recorded by the learned S.D.J.M., Jagatsinghpur, under Section 164, Cr.P.C., I allow the prayer for anticipatory bail and direct that in the event of his arrest in the aforesaid case, he shall be released on bail by the Arresting Officer on such terms and conditions as the Arresting Officer may deem just and proper.

The ABLAPL is accordingly disposed of.”

3. Though this matter was filed in 2016, the same was listed on 7th April, 2017, on which date an adjournment was sought for by the learned counsel for the Petitioner. Thereafter, the matter has never been listed. When the matter is taken up today, none appeared for the Petitioner.

4. Mr. Iswar Mohanty, learned Additional Standing Counsel submitted that he has no instruction in this matter and the matter would have been proceeded substantially in trial.

5. In view of the aforesaid fact situation, keeping the matter pending would not serve any fruitful purpose; hence, the CRLMC is dismissed for non-prosecution.

(M.S. Raman)
Judge

Laxmikant