

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.956 of 2022

***Iswar Nayak @ Kutuli Nayak @
Naik @ Kutulli.*** ***Petitioner***

-versus-

State of Orissa & another. ***Opposite Parties***

CORAM: JUSTICE S.PUJAHARI

**ORDER
12.07.2022**

Order No.

03.

1. This matter is taken up through Hybrid mode.
2. The petitioner in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) has prayed for quashing of the F.I.R. in Badagada P.S. Case No.59 of 2000 corresponding to G.R. Case No.127 of 2000(A) pending on the file of the learned J.M.F.C., Sorada.
3. As it appears, the case is of the year 2000. The petitioner has come to this Court to quash the aforesaid FIR on the ground that without any material to proceed against him, he has been falsely implicated. The case appears to have been charge-sheeted and for non-appearance of the petitioner, his case was split-up.
4. Learned counsel appearing for the informant submits that the Informant has no grievance against the petitioner and, as such, the prosecution against the petitioner be quashed.

5. Since the offence alleged being heinous and serious in nature, the Informant has already lodged the report wherein charge-sheet has been filed against the petitioner, this Court is not inclined to quash the F.I.R. on the ground stated. Accordingly, this CRLMC stands dismissed.

6. However, considering the submission of the learned counsel for the petitioner that the petitioner was ignorant about the pending of the aforesaid case against him and now he is ready and willing to surrender and move for bail before the Court below, this Court directs that if the petitioner surrenders and move for bail before the Court in seisin over the matter, the Court in seisin over the matter shall consider and dispose of the said bail application in accordance with law in the first hour and also taking note of the factum of release of the co-accused persons on bail. The petitioner may move the higher forum in the event of rejection of his prayer during the second hour which may be disposed of on the same day taking note of the aforesaid, if there is no other legal impediment. Record be transmitted to the higher forum, if prayed for. Cost, if any, be paid by the petitioner.

7. Interim order dated 13.04.2022 passed by this Court stands vacated.

8. A copy of this order be communicated to the Court below forthwith.

(S. Pujahari)
Judge

MRS