

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLREV No. 1045 of 2010**

**Srinibas Mohanty & ors.**

....

**Petitioners**

Mr. D. Nayak, Adv.

- Versus -

**State of Odisha & another**

....

**Opp. Party**

Mr. S.K. Mishra, Addl. Standing Counsel

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**

**26.08.2022**

**Order No.**  
**04.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned Addl. Standing Counsel for the State.
3. The order dated 17.07.2010 passed by the learned Adhoc Addl. Dist & Sessions Judge, FTC No.II, Cuttack in S.T. Case No. 164 of 2010 is under challenge. By such order, the learned court below framed charge against the accused persons for commission of offence under Section 498-A, 306/34 of IPC read with Section 4 of DP Act.
4. It is alleged that the learned court below mechanically framed charge without considering the statement of the witnesses in the proper perspective. It is further argued that unless there are prima facie materials to show abetment, the offence under Section 306 of IPC cannot be said to have been committed. There is also lack of materials to show that the deceased was subjected to torture physically or mentally in connection with demand of dowry and therefore, the offence under Section 498-A is also not made out.
5. Learned State Counsel has supported the impugned order by submitting that basing on the prima facie assessment of the materials on record, learned court below has framed charge and

at this stage, it is not expected to delve deep into the evidence.

6. Perusal of the impugned order shows that the trial court has considered the police papers available on record, the case diary, charge sheet and other relevant papers to hold that there is prima facie evidence against the accused persons for commission of the alleged offences and accordingly framed charge.

7. It is well settled that all that the Court is required to do at this stage is to form a presumptive opinion as regards commission of the alleged offences. On such score, the impugned order cannot be faulted with. However, the learned court below should have at least indicated which of the documents it had perused and also the reasons for presuming that the offence was committed. Be that as it may, there is no reason for this Court to interfere in the matter.

8. The revision is therefore stands dismissed.

9. Since this is a case of the year, 2010, learned court below shall do well to try and dispose of the same as early as possible preferably within a period of six months from the date of communication of this order.

**(Sashikanta Mishra)**  
**Judge**

*A.K. Rana*