

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1024 of 2022

R. Bhaskar Rao Pattnaik @ Bhaskar
Pattnaik and another

Petitioner

Ms. P. Naidu, Advocate

-Versus-

State of Odisha and others

.... Opposite Parties

Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
12.09.2022

Order
No.

01. 1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Present petition under Section 482 Cr.P.C. is filed by the petitioners challenging the legality and judicial propriety of the order of cognizance dated 26th August, 2019 passed in ICC No.542 of 2017 by the learned S.D.J.M., Berhampur, Ganjam on the grounds stated therein.
3. Perused the complaint which is at Annexure-1 and other connected documents.
4. Ms. Naidu, learned counsel appearing on behalf of the petitioners submits that no cause of action is shown in the complaint and that apart the complaint is based on false narrative whereupon the learned court below should not have taken cognizance of the offences under Annexure-3 and hence, the criminal proceeding is not tenable and thus, liable to be quashed.

5. However, considering the complaint which is at Annexure-1 and contention as the above, the Court does not find any reason or ground to interfere for the fact that truthfulness or otherwise of the allegations made therein shall have to be examined by the learned court below during enquiry. For having no cause of action being mentioned in the complaint and on the claim that with false allegation the criminal prosecution has been set in motion cannot be examined by this Court at this stage which is entirely based on facts. However, this juncture, Ms. Naidu learned counsel for the petitioners submits that the learned court below as per instructions received has issued NBWAs against the petitioners one of whom happens to be a local practitioner of the Bar and if the Court is not inclined to interfere with the criminal proceeding, at least they be directed to surrender and go on bail as that would serve the purpose instead.

6. In view of the above submission, without considering the matter on merits, CRLMC stands disposed of with a direction to the petitioners to surrender before the learned S.D.J.M., Berhampur, Ganjam in connection with ICC No.542 of 2017 on or before 30th September, 2022 and in the event of their surrender, the court shall release them on bail with conditions as deemed just and proper in the facts and circumstances of the case.

(R.K. Pattanaik)
Judge

TUDU