

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1025 of 2022

Arun Kumar Nayak.

....

Petitioner

-versus-

State of Odisha.

....

Opposite Party

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 the proceeding in G.R. Case No.100 of 2020, arising out of Mohana P.S. Case No.165 of 2020, pending in the Court of the learned Special Judge, Paralakhemundi.
3. Heard the learned counsel for the petitioner and the learned counsel for the State.
4. As it appears, the petitioner having been named in the F.I.R., he has come to this Court for quashment of the F.I.R. However, considering the fact that the police is investigating into the matter and the petitioner has been named to be one of the co-accused to have been committed the said offence, this Court is not inclined to quash the proceeding.

5. At this stage, learned counsel for the petitioner submits that the petitioner wants to surrender to the custody of the Court and, as such, the Court may be directed to accept his surrender and pass necessary order in accordance with law with regard to remand and also consider his prayer for bail.

6. Taking note of the aforesaid facts and circumstances of the case, so also the submission advanced by the learned counsel for the petitioner, this Court while disposing of this petition gives liberty to the petitioner to surrender before the Court in seisin over the matter in the aforesaid case and in that event the Court concerned shall pass necessary order as the petitioner figures as an accused in the F.I.R. with regard to the remand and also on bail, if applied for in accordance with law. Needless to say that this order shall also not preclude the police to seek remand of the accused-petitioner for investigation, if so desired. The petitioner must furnish a copy of this order before the Police Station concerned indicating the date of his surrender to enable the police to discharge his statutory function and investigation into the matter in an effective manner as well as to have their response on the prayer of the petitioner and also produce the Case Diary. The petitioner must avail of the aforesaid order within a month hence.

7. A copy of this order be communicated to the Court concerned forthwith.

(S. Pujahari)
Judge

MRS