

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1170 of 2017

Ramesh Chandra Pradhan

Petitioner

Mr. P.S. Das, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Tapas Kumar Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

16.09.2022

Order
No.

05. 1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Learned counsel for the petitioner submits that the learned court below erroneously took cognizance of an offence punishable under Section 373 IPC, inasmuch as, the charge sheet was submitted under Sections 373, 294 and 506 IPC. While contending so, he refers to order dated 30th December, 2014 passed by the learned J.M.F.C., Kodala, Ganjam. In response to the above, Mr. Praharaj, learned counsel for the State submits that the learned court below has taken cognizance of an offence under Section 337 IPC which has been wrongly mentioned as Section 373 IPC in the impugned order dated 16th June, 2016.
3. In order to appreciate the contention of the learned counsel for the respective parties, the Court perused the contents of the FIR which is at Annexure-1. On a bare reading of the FIR, the Court finds that the informant alleged to have been abused and assaulted in the hands of the petitioner and other accused persons as result of which he sustained bleeding injuries. In such view of the matter, the

Court is of the view that there is no case of any offence made out punishable under Section 337 Cr.P.C. which relates to an overt act endangering human life and limb. In other words, the Court is of the view that it is a case of assault simpliciter and thus punishable under Section 323 IPC. Having said that, the Court is of the opinion that the learned court below erroneously passed the order of cognizance under Annexure-1 under Section 373 IPC and nor an offence of Section 337 IPC is made out and therefore, it has to be modified.

4. Accordingly, it is ordered.

5. In the result, the CRLMC stands allowed. Consequently, the order is modified to the extent indicated above and it should be read as having taken cognizance of the offences under Sections 323, 506 and 294 IPC instead.

6. The CRLMC stands disposed of.

(R.K. Pattanaik)
Judge

TUDU