

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.217 of 2017

Arun Kumar Ray

....

Petitioner

Ms. Mohini Sahu, Proxy Counsel on
behalf of Mr. L.N. Patel, Advocate

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. Sailaja Nandan Das, ASC

CORAM:
JUSTICE M.S. RAMAN

ORDER
16.12.2022

Order No.

- 06.** 1. The Petitioner approached this Court under Section 482 of the Cr.P.C. with a prayer to quash the cognizance order dated 1st July, 2016 passed by the learned Sessions Judge, Jharsuguda for the alleged offence under Section 294 of the Indian Penal Code, 1860 and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in T.R. No.28 of 2016 (arising out of Jharsuguda P.S. Case No.685 of 2015).
2. The allegation against the petitioner was that while the complainant-Nityananda Bhoi presented a labour card for renewal in the District Labour Office (DLO), Jharsuguda, the District Labour Officer not only got annoyed the moment he saw the said card but also abused him by saying it is forged. He snatched away the card from him and threatened him to leave the place. In the said case, F.I.R. was lodged on 30th December, 2015 at around 5 p.m., though the incident occurred on 19th December, 2015 at round 12.30 p.m.

3. Learned counsel for the Petitioner submitted that there is no explanation whatsoever for the delay in lodging F.I.R. with the Police. Ms. Mohini Sahu, proxy counsel appearing on behalf of Mr. L.N. Patel, learned counsel for the Petitioner contended that cognizance could not have been taken without due sanction as required under Section 197 of the Cr.P.C.

4. Mr. Sailaja Nandan Das, learned Additional Standing Counsel as also learned counsel for the Petitioner could not appraise this court with regard to the current status of the case. Since the cognizance has already been taken in 2016, the trial must have been in progress. This matter has not been admitted as yet though for certain number of times the present matter was listed before this Court.

5. Without entering into merit of the matter at this distance of time, interest of justice would be best served if the Petitioner is directed to cooperate with the trial and raise his objection, if any, with regard to the maintainability of the proceeding, as contended by the learned counsel for the Petitioner.

6. With the aforesaid observation, the CRLMC is disposed of.

(M.S. Raman)
Judge