

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1767 of 2012

Bala @ Balaji Nahak & others. ***Petitioners***

-versus-

State of Odisha & another. ***Opposite Parties***

CORAM: JUSTICE S.PUJAHARI

ORDER
30.03.2022

Order No.

12. 1. This matter is taken up through Hybrid mode.
2. The petitioners in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) have prayed for quashing of the order dated 08.01.2010 passed by the learned J.M.F.C., Aska in G.R. Case No.49 of 2009 taking cognizance of the offences under Sections 493, 420 and 506/34 of IPC against them.
3. Heard the learned counsel for the petitioner and the learned counsel for the State.
4. Learned counsel for the petitioner submits that since the trial Court without taking into consideration the affidavits filed by the four independent witnesses has taken the cognizance of

the aforesaid offences against the petitioner, the same is bad and, as such, is liable to be quashed.

5. Considering the facts and submissions made, especially the fact that the materials available on record, basing on which cognizance has been taken by the Court below, reveal cognizable offences, this Court is not inclined to interfere with the impugned order on the grounds stated, as the Court while taking cognizance is not required to look into the same.

6. Accordingly, this CRLMC filed challenging the impugned order being devoid of any merit stands dismissed. Interim order dated 12.02.2012 passed by this Court stands vacated.

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

(S. Pujahari)
Judge

MRS