

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2107 of 2012

Muralidhar Nayak ***Petitioner***
versus-
State of Orissa and another. ***Opposite Parties***

CORAM: JUSTICE S. PUJAHARI

ORDER
25.04.2022

Order
No.

05. 1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order of cognizance dated 8th July, 2011 passed by the learned J.M.F.C., Soro in C.T. No.194 of 2011.
3. Heard Mr. D.P. Dhal, learned counsel appearing for the Petitioner and the learned counsel appearing for the State-Opposite Party No.1. No one appears on behalf of the Opposite Party No.2 in spite of sufficiency of service.
4. Taking note of the facts and circumstances of the case and the materials available on record, this Court is not inclined to interfere with the impugned order of cognizance and also the proceeding against him.

5. Hence, the petition filed being devoid of merit stands dismissed.

6. However, at this stage, learned counsel for the Petitioner submits that liberty may be given to the Petitioner to raise all such contentions at the time of framing of charge.

7. The Petitioner being not precluded for raising the contentions that no case is made out against him at the time of framing of charge, no opportunity of this Court is essential for the purpose.

8. However, since Mr. Dhal, learned counsel appearing for the Petitioner submits that there is every likelihood of the trial court at the time of framing of charge being influenced by the order of this Court refusing to interfere with the order of cognizance, it is observed that at the time of framing of charge, the trial court should not have any binding tie with the order passed by this petition and decide such prayer on its own merit, in the manner known to law.

9. Further, it is submitted by Mr. Dhal, learned counsel appearing for the Petitioner that the Petitioner being a practicing advocate and the offence being trivial in nature, it be directed that if the Petitioner surrenders before the Court in seisin over the matter and moves for bail, he be released on bail.

10. Considering the same, it is directed that if the Petitioner surrenders before the Court in session over the matter within six weeks hence and makes a motion for bail, the Court in seisin over the matter shall release him on bail in connection with the aforesaid case on such terms and conditions as it may deem just and proper.

(S. Pujahari)
Judge

DA

