

IN THE HIGH COURT OF ORISSA AT CUTTACK

**I.A No.876 of 2022 arising out of
CRLMC No.3065 of 2012**

B. Santosh Kumar and others* *Petitioners

-versus-

State* *Opposite Party

**CORAM:
THE JUSTICE S.PUJAHARI**

**ORDER
20.06.2022**

**Order
No.**

05. 1. This matter is taken up through Hybrid mode.
2. This I.A has been filed by the Petitioners for modification of the order dated 30.03.2022 passed by this Court in CRLMC No.3065 of 2012.
3. Learned counsel for the Petitioners submits that though she was present on 30.03.2022 and submitted to withdraw the CRLMC with a liberty to raise all the contentions at the time of framing of charge and the Court had granted such relief but inadvertently in the said order dated 30.03.2022, it is mentioned that CRLMC stands dismissed for non-prosecution.
4. In view of the aforesaid submission, to avoid the confusion, this Court is of the view that the said order be substituted in entirety by incorporating the following paragraphs:

“1. This matter is taken up through Hybrid mode.

2. The Petitioners in this application under Section 482 Cr.P.C. have prayed for quashing of the order of cognizance dated 13.03.2012 passed by the learned S.D.J.M., Berhampur in G.R. Case No.1155 of 2011 taking cognizance of the offences under Sections 498-A/323/342/ 294/ 506/ 406/34 of IPC and Sections 4/ 6-A of the D.P. Act.

3. Learned counsel for the Petitioners during the course of hearing does not want to press the Criminal Misc. Case but submits to give liberty to the Petitioners to raise all the contentions at the time of framing of charge.

4. Hence, the Criminal Misc. Case stands disposed of with the liberty sought for and consequently interim order dated 16.10.2012 passed by this Court in Misc. Case No.2121 of 2012 stands vacated.”

5. Order dated 30.03.2022 uploaded in the Orissa High Court website be deleted and the order dated 20.06.2022 passed today be uploaded.

6. With the aforesaid order, the I.A stands disposed of.

7. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

PKS

