

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1251 of 2022

Manorama Mohanty

....

Petitioner

Mr. Trilochan Nanda, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Tapas Ku. Praharaj, S.C.

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

23.08.2022

Order No.

- 03.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Present petition under Section 482 Cr.P.C. has been filed by the petitioner for quashing of the criminal proceeding in T.R. Case No.06 of 2014 arising out of G.R. Case No.6 of 2014 in connection with Adava P.S. Case No.3 of 2014 pending in the file of learned Additional Sessions Judge-cum-Special Judge, Paralakhemundi and further quashing of the NBW dated 13th May, 2014 issued against the petitioner on the grounds stated therein.
 3. Perused the FIR and the charge-sheet under Annexure-2.
 4. Learned counsel for the petitioner submits that the other accused who was the driver of the truck bearing Registration No.OR-02-AX-0794 was put to trial before the learned Sessions Judge-cum-Special Judge, Paralakhemundi, for commission of offences under Sections 20(b)(ii)(c)/25/29 of NDPS Act, 1985 which has resulted in acquittal by judgment dated 2nd June, 2017 in G.R. Case No.06 of 2014/Trial No.07 of 2015 and as such, there is no material against the petitioner and hence, the proceeding as against

him should be quashed in the interest of justice, which has been objected to by the learned State Counsel stating that she has to face trial irrespective of the acquittal judgment in G.R. Case No.06 of 2014.

5. Learned counsel for the petitioner while referring to the copy of the judgment as at Annexure-5 contends that one of the findings of the Court that there has been no conspiracy to commit the crime proved in the transportation of contraband ganja and therefore, there is no prima facie case so as to subject her to a full-fledged trial.

6. However having regard to the nature of accusation vis-a-vis transpiration of contraband ganja which is of huge quantity more than 1000 kgs and the fact that the petitioner happens to be the owner of the vehicle in question, the Court is not inclined to interfere with the criminal proceeding pending before the court below. So to say, the petitioner shall have to face the trial notwithstanding the judgment in G.R. Case No.06 of 2014/T.R. No.07 of 2015 (State of Odisha Vrs Jayadeva Sahu @ Jagadev Sahu).

7. In the result, the CRLMC stands dismissed. However, having regard to the peculiar facts of the case, the petitioner is directed to surrender before the learned court below in G.R. Case No.06 of 2014/T.R. No.07 of 2015 on or before 9th September, 2022 and on her surrender, she shall be released on bail subject to conditions as would be fixed by the court below which is to expedite disposal of the case.

(R.K. Pattanaik)
Judge