

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.859 of 2022

Bhanumati Sahoo

....

Petitioner

Mr. D. Mohapatra, Advocate.

-versus-

**Commissioner-cum-Secretary,
Home Department & others**

....

Opp. Parties

Mr. S.N. Das,
Additional Standing Counsel.

**CORAM:
DR. JUSTICE S.K. PANIGRAHI**

ORDER

30.11.2022

Order No.

4.
 1. This matter is taken up through Hybrid Arrangement.
 2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
 3. According to learned counsel for the petitioner, the petitioner is aggrieved by the tardy manner in which investigation is being done in connection with Raghunathpur P.S Case No.38 of 2022 registered for commission of offences under Sections 341/ 294/ 323/ 427/ 379/ 307/354B/452/34, I.P.C.
 4. The Supreme Court in the case of **Sakiri Vasu v. State of U.P. & others**¹ has made it clear that when after

¹ (2008) 2 SCC 409

registering the F.I.R., if no proper investigation is made, it would be open to the aggrieved person to file an application under Section 156 (3), Cr.P.C. before the learned Jurisdictional Magistrate and if such an application under Section 156 (3), Cr.P.C. is filed before the learned Magistrate, he/she can direct for a proper investigation.

5. In such background, learned counsel for the petitioner submits that liberty may be granted to the petitioner to approach the learned jurisdictional Magistrate under Section 156(3), Cr.P.C.

6. Considering the submissions made and without expressing any opinion on the merits of the case, this Court grants liberty to the petitioner to approach the jurisdictional Magistrate under Section 156(3) Cr.P.C. duly supported by an affidavit within a period of two weeks. In the event, such an application is filed, the jurisdictional Magistrate would do well to proceed with the same in accordance with law, if there is no other impediment.

7. The CRLMP is accordingly disposed of.

8. Issue urgent certified copy of this order on proper application.

(Dr. S.K. Panigrahi)
Judge