

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1254 of 2022

Sk. Mohammad Sahajuddin Petitioner
Mr. Manas Ranjan Badajena, Advocate

-Versus-

State of Orissa Opposite Party
Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
09.09.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. The present petition under Section 482 Cr.P.C. has been filed by the petitioner challenging the order of cognizance dated 6th June, 2019 in G.R. Case No.230 of 2019 arising out of Bhadrak Town P.S. Case No.38 of 2019 pending in the file of learned S.D.J.M., Bhadrak, on the grounds stated therein.
 3. Perused the copy of the FIR as at Annexure-1, charge-sheet i.e. Annexure-3 and copy of the impugned order dated 6th June, 2019 which is at Annexure-5.
 4. Learned counsel for the petitioner submits that though there is no case made out against the petitioner but the charge-sheet was filed and cognizance dated 6th June, 2019 has been taken under Annexure-4, which is not proper and justified. It is further submitted that the petitioner filed an application for discharge under Section 239 Cr.P.C. but the same was rejected being devoid of merit and posted the matter to 16th April, 2022 for consideration of the charge.

5. The Court perused the order of the learned court below, wherein, the request for discharge by the petitioner was rejected by learned S.D.J.M. Bhadrak on the ground that the allegation of overt act has been made out against the petitioner. In fact, the Court does not find any error or illegality so as to warrant any interference in the matter of discharge. Accordingly, it is ordered.

6. In the result, the CRLMC stands dismissed with liberty to raise any other ground before the learned court below at the time of framing of charge and in the event so urged, the same shall be considered in accordance with law and as per rules.

7. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo

