

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1280 of 2022

Mahendra Kisan

.... **Petitioner**

Mr. B.K. Ragada, Advocate

Mr. L.N.Patel, Advocate

-Versus-

Manjit Kumar Chardia

.... **Opposite Party**

Mr. Sidheswar Mohanty, Advocate for Sole O.P.

**CORAM:**  
**JUSTICE R.K.PATTANAIK**

Order No.

**ORDER**  
**16.09.2022**

05.

1. Learned counsel for the petitioner and learned counsel for the opposite party.

2. Instant petition is filed under Section 482 of Cr.P.C. assailing the impugned notice dated 3<sup>rd</sup> June, 2021 passed by the learned Sub-Divisional Magistrate, Jharsuguda in C.M.C. No. 26/2021 in a proceeding under Section 97 Cr.P.C. on the grounds stated therein.

3. Perused a copy of the application 97 Cr.P.C. moved before the learned court below. In fact, the opposite party filed the said application, whereupon, the learned SDM, Jharsuguda issued notice under Anneuxre-2 directing the petitioner to produce the child. The Court is of the view that it is merely a process issued by the learned court below with a direction to the petitioner to cause production of the child and in order to facilitate and decide the further course of action in the proceeding initiated under Section 97 Cr.P.C.

4. The Court is of the view that the inherent jurisdiction is not required to be exercised because by the impugned notice, the petitioner is to appear in response to the notice in order to satisfy the learned court below vis-à-vis custody of the child.

5. Accordingly, it is ordered.

6. In the result, CRLMC stands disposed of in the above terms.

7. Consequently, interim order dated 18<sup>th</sup> May, 2022 passed in I.A. No. 1038 of 2022 in CMC No.26 of 2021 stands vacated.

