

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2581 of 2017

Subhadra Mirig and others ***Petitioners***
Mr. P.K. Khuntia, Advocate

-versus-

State of Orissa ***Opp. Party***

CORAM:
JUSTICE G. SATAPATHY

ORDER
17.11.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This is an application under section 482 of Cr.P.C. by the Petitioners challenging the order taking cognizance of offences under sections 498-A/306/304-B/34 of IPC read with Section-4 of D.P. Act.
3. In the course of hearing of the CRLMC, learned counsel for the Petitioners submits that the deceased in her dying declaration has never implicated the Petitioners for any offence and thereby, the criminal proceeding against the Petitioners is an abuse of process of Court and to secure the ends of justice, the criminal proceeding against the Petitioners may be quashed.
4. Learned counsel for the State, however, by taking through the allegations raised in the FIR submits that all the ingredients constituting the offences are squarely made out against the Petitioners and thereby, it cannot be said that the criminal proceeding is an abuse of process of Court. It is further submitted by the learned counsel for the State that, if the petitioners have any positive material to challenge their implication in this case, they can raise it at the time

of consideration of charge.

5. In view of the aforesaid submissions and taking into consideration the allegation appearing in the FIR and the statement of witnesses made available to the Court by the Petitioners, this Court considers that all the ingredients of offences under which cognizance was taken are prima facie disclosed and therefore, the CRLMC merits no consideration. However, if the Petitioners have any grievance or points to challenge their implication in this case, they even can raise it at the time of consideration of charge and, it is accordingly directed, if such an application is filed by the Petitioners seeking their discharge from the case, the same shall be disposed of by the Court in seisin of the case in accordance with law.

6. In the result, the CRLMC is accordingly disposed of.

(*G. Satapathy*)
Judge

Priyajit

