IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No. 2624 of 2017

Ananta Narayan Kar .... Petitioner
Mr. Manoranjan Acharya, Advocate

-Versus-

State of Odisha .... Opposite Party
Mr. Tapas Kumar Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
01.11.2022

Order No.

03. 1. Heard learned counsel for the petitioner and learned counsel for the State.

2. In the instant case, the challenge is as to the impugned order of cognizance dated 28th June, 2015 passed by the learned J.M.F.C., Odagaon in G.R. Case No.76 of 2015 arising out of Odagaon P.S. Case No.50 of 2015 and also the entire criminal proceeding on the grounds stated therein.

3. Perused the copy of the FIR as at Annexure-1 and order of cognizance dated 28th June, 2015 at Annexure-2.

4. Learned counsel for the petitioner submits that the petitioner was the Junior Manager, CESU, Nayagarh Electrical Division at the relevant point of time when the incident took place during which the victim aged about 15 years received injuries on account of electrocution. It is further submitted that even by

considering the contents of the FIR, no offence under Sections 279, 337 and 338 IPC are made out and therefore, the impugned order under Annexure-2 for the said offence cannot be sustained in law and thus, it has to be interfered with.

5. Mr. Praharaj, learned counsel for the State justified the impugned order under Annexure-2 and submits that the allegations as to the negligence on the part of the petitioner, who was the Junior Manager of CESU at that point of time. However, learned State Counsel fairly concedes that an offence under Section 279 IPC cannot be said to have been committed by the petitioner.

6. The Court perused Annexure-1 and the facts alleged therein by the informant which are related to an incident during which the victim had come in contact with a live 11 KV electric wire. In fact, pursuant to the FIR being lodged, Odagaon P.S. Case No.50 of 2015 was registered under Sections 279, 337 and 338 IPC and after submission of chargesheet vis-à-vis petitioner. The Court is of the view that since the petitioner was alleged to be in-charge and responsible for up-keeping of the power supply at the relevant point in time, therefore he has been chargesheeted whereafter the learned court below took cognizance of the offences under Annexure-2. However, since the offence under Section 279 IPC relates to rash driving or riding on a public way, the same cannot be an offence said to have been committed by the petitioner in the facts of the case and hence, the same is hereby deleted. But then, the other two offences under Sections 337 and 338 IPC are attracted against the petitioner for which he needs to face the enquiry. Accordingly, it is ordered.

7. Consequently, the CRLMC stands partly allowed. As a necessary corollary, the impugned order under Annexure-2 is set aside to the extent indicated herein above.

8. Issue urgent certified copy as per rule.

(R.K. Pattanaik)
Judge

U.K.Sahoo