

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 4030 of 2015

Smt. K. Rajama

....

Petitioner

Miss. Deepali Mohapatra, Advocate

-Versus-

State

....

Opposite Party

Mr.Tapas Ku. Praharaj, S.C.

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

22.08.2022

Order No.

- 02.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Present petition under Section 482 Cr.P.C. has been filed by the petitioner challenging the criminal proceeding in G.R. Case No.133 of 2012 in connection with Bada Bazar P.S. Case No.22 of 2012 pending before the learned S.D.J.M., Berhampur on the grounds stated therein.
 3. Learned counsel for the petitioner submits that the petitioner is the sister-in-law of the deceased and she along with other accused persons have been implicated in the alleged crime. It is submitted that the other accused persons, namely, N. Ranjit Reddy (husband) and N. Padma (mother-in-law) of the deceased faced trial in Sessions Case No.26 of 2014 before the learned 2nd Additional Sessions Judge, Berhampur, Ganjam on 16th July, 2015. It is further submitted that the informant and other witnesses did not support the case of the prosecution, as a result of which, due to such hostile evidence, the trial ended in their acquittal and in such view

of the matter, the further continuation of the criminal proceeding against the petitioner would be an abuse of the process of law and hence, should be quashed.

4. Learned counsel for the State submits that the evidence before the 2nd Additional Sessions Judge, Berhampur, Ganjam in S.C. No.26 of 2014 was admittedly hostile and accordingly, the accused husband and mother-in-law both have been acquitted of charges under Section 498-A/304-B/302/34 of I.P.C. and Section 4 of D.P. Act.

5. Since all the witnesses have turned hostile in the other case, this Court is of the considered opinion that in case of a full-fledged trial vis-a-vis the petitioner, it would have the same result without any fruitful purpose. In other words, considering such evidence in S.C. No.26 of 2014 and as all the material witnesses did turn hostile therein, the continuation of the present proceeding against the petitioner would be a futile exercise and therefore, it is required to be quashed in the interest of justice.

6. Accordingly, it is ordered.

7. In the result, the criminal proceeding in G.R. Case No.133 of 2012 arising out of Bada Bazar P.S. Case No.22 of 2012 pending before the learned S.D.J.M., Berhampur is hereby quashed.

8. The CRLMC is accordingly allowed.

(R.K. Pattanaik)
Judge