

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.1016 of 2022

Uma Bhoi

.... ***Petitioner***
Mr. A. Pattnaik, Advocate

-versus-

State of Odisha and others

.... ***Opp. Parties***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

02.09.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.

3. This petition has been filed by the petitioner challenging the action of the Investigating Agency on the ground that earlier final form was prepared by the Investigating Officer concluding that no offence is made out. Upon supervision by Higher Officer, it was found that offences are made out under the alleged Sections.

4. It is submitted by learned counsel for the petitioner that ignoring such supervision report, the Investigating Officer concluded the investigation and submitted the final form.

5. Learned counsel for the State, on the other hand, submits that in the event the petitioner feels aggrieved, he may approach the learned Magistrate by filing a protest petition/objection raising his objections before the learned court below. He further submits that the statute provides for a mechanism to deal with such scenario.

6. Taking into consideration the factual background of the case and submissions advanced by learned counsel appearing for the respective parties, liberty is granted to the petitioner to file a protest petition. In the event the petitioner is aggrieved by the action of the Investigating Officer, the petitioner may file a protest petition before the learned court below, the same shall be dealt by the learned Magistrate in accordance with law.

7. With the aforesaid observation/direction, the CRLMP stands disposed of.

Urgent certified copy of this order be granted on proper application.

(*A.K. Mohapatra*)
Judge

Jagabandhu

