

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2528 of 2011

***Prafulla Chandra Badajena &
others***

....

Petitioners

-versus-

Nabeen Kumar Dalai & another

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER

11.04.2022

**Order
No.**

14.

1. This matter is taken up by Hybrid mode.

2. This application under Section 482 Cr.P.C. has been filed by the Petitioners for quashment of the order dated 18.11.2010 passed by the learned S.D.J.M., Kendrapara in ICC Case No.263 of 2010 wherein the learned S.D.J.M has taken cognizance under Sections 341/294/387/379/506/34 IPC and Section 25 of the Arms Act.

3. It appears that in spite of the notice issued to opposite party no.1, no one has appeared on his behalf. The Petitioners have sought for quashment of the impugned order on the ground of lack of sanction. However, on consideration of the fact that the question of sanction can be raised at any stage of the proceeding, this Court disposes of this CRLMC giving liberty to the Petitioners to raise all such contentions including the sanction and the trial court shall consider the same taking note of the law laid down perusing the evidence adduced before

charge. Furthermore, it is observed that since the Petitioners are police officials, if a petition under Section 205 Cr.P.C. is filed, the court concerned shall consider the question of dispensing with their personal appearance.

4. With the aforesaid order, this CRLMC stands disposed of.

5. Urgent certified copy of the order be granted on proper application.

PKS

