

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2548 of 2011

Kusum Bag & another.

....

Petitioners

-versus-

State of Odisha.

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER
21.03.2022

Order No.

- 05.
1. This matter is taken up through Hybrid mode.
 2. The petitioners in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) have prayed for quashing of the order dated 13.02.2011 passed by the learned Special Judge (Vigilance), Bhawanipatna in G.R. Case No.9 of 2010 taking cognizance of the offences under Sections 13(2) read with Section 13(1)(e) of the P.C. Act.
 3. None appears for the petitioners.
 4. However, Mr. Pani, learned Senior Standing counsel appearing for the Vigilance Department submits that cognizance under Section 109 of IPC has not been taken in this case, but the petitioners having been proceeded with, they have

challenged the same before this Court. As such, the matter may be remitted back to the Court below to take cognizance afresh.

5. Since no one appears on behalf of the petitioners to place this petition and the Court while framing charge having scope to alter the charge and also to discharge the persons who are not involved in an offence, this Court while dismissing this CRLMC for non-prosecution, gives liberty to the petitioners as well as the prosecution to advance their submission at the time of framing of charge to proceed against the accused persons involved in the case for the appropriate offences. Interim order dated 19.08.2011 passed by this Court stands vacated.

6. A copy of this order be communicated to the Court below forthwith.

(S. Pujahari)
Judge

MRS