

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1731 of 2006

Sanatana Dash and others *Petitioners*
versus-
State of Orissa *Opposite Party*

CORAM: JUSTICE S. PUJAHARI

ORDER

14.03.2022

Order
No.

29.

1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to quash the order dated 3rd March, 2003 passed by the learned S.D.J.M., Sambalpur in G.R. Case No.1460 of 2000, taking cognizance of the offences under Sections 419, 468, 471, 109 read with Section 34 of the I.P.C., so also the entire proceeding.
3. Heard Mr. Devashis Panda, learned counsel appearing for the Petitioners and the learned counsel for the State.
4. Learned counsel for the Petitioners files a memo in Court today stating therein that the Informant-Bipin Bihari Dash and one Manoj Kumr Panda have already died.
5. Mr. Devashis Panda, learned counsel appearing for the Petitioners submits that the case relates to impersonation while filing the bail bond as surety.

6. The Petitioners in this case has challenged the order of cognizance as well as the entire proceeding on the ground that there is irregularity in the investigation, as such, the Court could not have taken cognizance of the offences alleged, more particularly when the accused persons have been acquitted.

7. The same is opposed by the learned counsel for the State to be no ground to proceed against the accused persons alive.

8. No doubt, in case the Petitioners No.1 and 2 stood as surety for the Petitioners No.3 and 4, who have already been acquitted, but the aforesaid is no ground to interfere with the cognizance. So far as irregularity of the investigation is concerned and the acquittal of the accused persons, the same is no ground to quash the cognizance, especially when the materials on record prima facie discloses the cognizable offence for which cognizance has been taken and also involvement of the Petitioners in the said case. Hence, I see no illegality or infirmity in the order impugned to quash the proceeding in exercise of power under Section 482 of Cr.P.C.

9. Accordingly, the CRLMC stands dismissed.

10. However, liberty is given to the Petitioners to raise all the contentions at the time of framing of charge and in that

event, the Court shall address the same by sifting the materials available on record to find out whether there are sufficient grounds to presume that the Petitioners have committed offence or not, dispose of the same on its own merit without being influenced by this order in any manner.

(S. Pujahari)
Judge

DA

