

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3269 of 2015

Idda Bibi @ Sarwari Begum and others

Petitioners

Mr. B. Dalai, Advocate

-Versus-

S.K. Tabarakh and another

....

Opposite Parties

Mr. S.S. Mohapatra, ASC

Mr. S. Mohanty, Advocate for O.P.

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

07.09.2022

Order
No.

05.

1. Heard learned counsel for the parties.
2. Present petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the order of cognizance dated 5th May, 2015 passed in ICC No.697 of 2014 by the learned S.D.J.M., Jagatsinghpur on the grounds stated therein.
3. Perused the impugned order i.e. Annexure-1 and also copies of the FIR and charge sheet which is at Annexure-2.
4. The learned counsel for the petitioners submits that the case vis-à-vis petitioner No.3 is not pressed as she has already been acquitted in C.T. Case No.152 of 2015 by judgment dated 8th January, 2018 of the learned Additional Sessions Judge, Jagatsinghpur. It is further submitted that other two petitioners are sisters-in-law and married and considering the order of acquittal as against petitioner No.3 in ICC No.697 of 2014, the proceeding should be quashed which is objected to by the learned counsel for the State on the ground that both of them shall have to face trial notwithstanding the fact that C.T. No.152 of 2015 ended in

acquittal. As rightly pointed out by the learned counsel for the State irrespective of the order of acquittal vis-à-vis petitioner No.3, petitioner Nos.1 and 2 have to face the trial.

5. Learned counsel for petitioner Nos.1 and 2 submits that at present NBWs are pending execution and therefore, they should be directed to surrender and go on bail considering the fact that they are the sisters-in-law and when already an order of acquittal stands in favour of petitioner No.3 on the self-same allegation.

6. In so far as the impugned order under Annexure-1 is concerned, the Court does not find any wrong error to have been committed by the learned court below and therefore, it calls for no interference. Consequently, CRLMC stands dismissed with a direction to petitioner No.1 and 2 to surrender before the learned S.D.J.M., Jagatsinghpur on or before 27th September, 2022 in connection with 1CC No.697 of 2014 and in the event of their surrender, the court shall release them on bail with conditions as deemed just and proper in the facts and circumstances of the case.

7. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU