

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No. 273 of 2022

1. Soumya Ranjan Sahoo

2. Sailabala Sahoo **Petitioners**

Mr. Milan Kanungo,
Senior Advocate

-versus-

State of Odisha

.... **Opp.Party**

Mr. Rajesh Tripathy
Addl. Standing Counsel

CORAM:
JUSTICE S.K. SAHOO

ORDER
26.07.2022

Order No.

I.A. No. _____ of 2022

03. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

This interim application has been filed for amendment of the criminal revision petition in Court.

Let the Registry register the interim application.

The petitioners in this revision petition have challenged the order dated 20.05.2022 passed in S.T. Case No.05 of 2022 by the learned Additional Sessions Judge, Rairangpur in rejecting their petition under section 227 of Cr.P.C. for discharge.

When the matter was taken up on 19.07.2022, Mr.

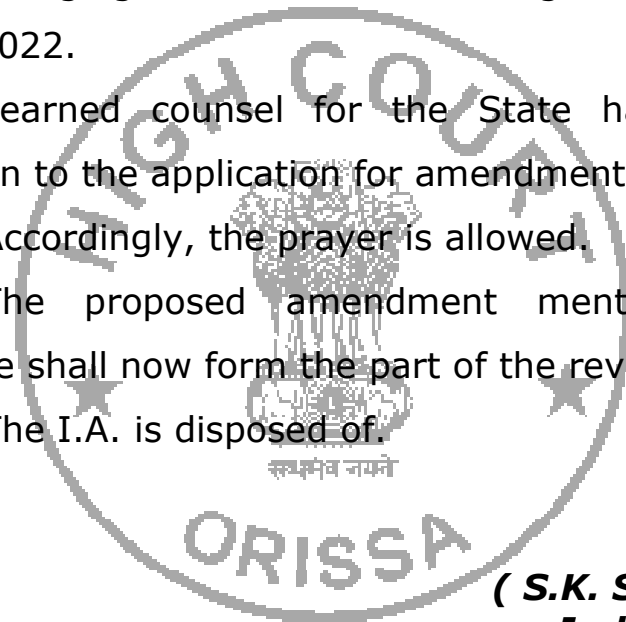
Milan Kanungo, learned Senior Advocate appearing for the petitioners took time to verify as to whether charge has been framed or not. Today, he submitted that charge has already been framed against the petitioners for offence punishable under section 306/34 of the Indian Penal Code and thereafter, though summons have been issued to the witnesses as per charge sheet but no witness has been examined so far. In this interim application, he has prayed to incorporate some grounds for challenging the order of framing of charge dated 20.05.2022.

Learned counsel for the State has no serious objection to the application for amendment.

Accordingly, the prayer is allowed.

The proposed amendment mentioned in the schedule shall now form the part of the revision petition.

The I.A. is disposed of.



(S.K. Sahoo)
Judge

CRLREV No.273 of 2022

04. Learned counsel for the petitioners has filed the consolidated revision petition along with the order of framing of charge which is taken on record.

Learned counsel for the petitioners contended that

there are no material against the petitioners to make out an offence under section 306 of the Indian Penal Code and there is no proximate link between the conduct of the petitioners with the death of the deceased and therefore, it cannot be said that the petitioners have abetted the commission of suicide of the deceased. He further submitted that during course of investigation, the call detail reports between the deceased and the petitioner no.1 so also between the deceased and her lover were collected but no attempt has been made by the Investigating Officer to ascertain the nature of call between the parties and that the investigation is perfunctory which is another ground for quashing the framing of charge.

Learned counsel for the State, on the other hand, opposed the prayer for quashing and submitted that there are enough material on record to frame charge and the plea of the petitioners, if any, that they are not responsible for the death of the deceased but somebody else is responsible, are to be brought on record before the learned trial Court by adducing evidence, which is to be adjudicated in accordance with law at the appropriate stage.

Considering the submissions made by the learned counsel for the respective parties, the nature of accusation against the petitioners, materials available on

record and when law is well settled that meticulous examination of the evidence on record is not permissible at the stage of framing of charge and defence plea, if any, cannot be looked into at this stage, I am not inclined to interfere with the order of framing of charge.

Accordingly, the CRLREV stands dismissed.

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

(S.K. Sahoo)
Judge

RKM

