

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1728 of 2022

Dharama @ Dharamabati Khara* *Petitioner

-versus-

State of Odisha & another* *Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER

12.07.2022

Order No.

02.

- 1.This matter is taken up through Hybrid mode.
- 2.Heard learned counsel for the Petitioner and learned counsel for the State.
- 3.This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the FIR in connection with Mathili P.S. Case No.56 of 2022 corresponding to G.R. Case No.53 of 2022 pending in the court of learned J.M.F.C., Mathili on the ground that no offence under Section 376 IPC is made out against him. The offence alleged against the Petitioner is under Sections 457/341/323/294/376/506/34 IPC.

4. Since the FIR allegation discloses a cognizable offence and more than one person are involved in the commission of the alleged offence, the prayer for quashment of the FIR is devoid of merit and accordingly the CRLMC stands dismissed.

5. However, learned counsel for the Petitioner submits that the Petitioner is now ready and willing to surrender before the trial court and cooperate with the trial.

6. Considering the facts and the submissions made, this Court directs that if the Petitioner surrenders in the aforesaid case in the first hour before the court of J.M.F.C., Mathili and makes a motion for bail, the learned J.M.F.C., Mathili shall consider and dispose of the same in accordance with law during the first hour. In case of rejection of the bail application, the Petitioner may move for bail before the next higher forum in the second hour and in that event, the bail application of the Petitioner shall be considered and disposed of by the higher forum in accordance with law on the same day, if there is no other legal impediment.

7. Needless to say that if the date of surrender of the Petitioner is intimated in advance the I.O must produce the case diary in the said case.

8. With the aforesaid order, this Criminal Misc. Case stands disposed of.

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

(S. Pujahari)
Judge

PKS

