

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1744 of 2022

Nabakishore Chhotaray.

....

Petitioner

-versus-

State of Odisha.

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

12.07.2022

Order No.

- 01.
1. This matter is taken up through Hybrid mode.
 2. The petitioner in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) has prayed for quashing of the order dated 13.11.1991 passed by the learned S.D.J.M., Khurda in G.R. Case No.555 of 1989 taking cognizance of the offences under Sections 147, 148, 341, 325, 323, 307 and 149 of IPC.
 3. Heard the learned counsel for the petitioners and the learned counsel for the State.
 4. Considering the facts and circumstances of the case, so also the submission advanced on behalf of the learned counsel

for the petitioners, this Court is not inclined to interfere with the impugned order.

5. Hence, giving liberty to the petitioners to raise all the contentions at the time of framing of charge, if charge has not been framed in the meanwhile, this CRLMC stands disposed of being dismissed.

6. However, since it is stated by the learned counsel for the petitioner that the petitioner is now 90 years old and the case is year old one, so also the petitioner is ready and willing to cooperate with the trial, he may be directed to be released on bail on his surrendering, this Court directs that if the petitioner surrenders and move for bail in the aforesaid case before the Court in seisin over the matter within six weeks hence, the Court in seisin over the matter shall release him on bail on such terms and conditions as deemed just and proper including the condition that he shall cooperate with the trial of the aforesaid case.

(S. Pujahari)
Judge

MRS