

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No. 1056 of 2008

Dillip Kumar Pratihari @ Padhiary		Petitioner
		Mr. B.K. Panda-2, Advocate
- Versus -		
State of Odisha		Opposite Party
		Mr. P. Tripathy, ASC

**CORAM:
JUSTICE SASHIKANTA MISHRA**

**ORDER
05.08.2022**

**Order No.
08.**

1. This matter is taken up through hybrid mode.
2. The petitioner in the present revision seeks to challenge the order dated 25.01.2008 passed by the learned S.D.J.M., Nayagarh in G.R. Case No.372 of 2007 in taking cognizance of the offence under Sections 342/376/114/201 of IPC.
3. It is submitted that the learned court below took cognizance of the offence without any application of mind and without considering the materials on record which do not prima facie show commission of the alleged offence.
4. Learned State Counsel has opposed the prayer by submitting that there are enough materials to prima facie show that the offence in question had been committed and therefore, learned court below rightly took cognizance of the matter.
5. A perusal of the FIR clearly reveals that there is allegation regarding commission of the alleged offence made by the victim herself. Further, as submitted by learned State Counsel, the victim has also vividly described about the occurrence in her statement recorded under Section 161 Cr.P.C. It is well settled that at the time of taking cognizance, the Court is not required to make a roving

enquiry and to consider the evidence on record to see if a finding of guilt can be recorded. It is enough if prima facie materials are there to presume that the alleged offences have been committed.

6. Considering the facts and circumstances of the case, this Court finds no reason to interfere with the impugned order.

7. The CRLREV is therefore dismissed.

8. Since this is a matter of the year 2007, learned court below is directed to expeditiously dispose of the case, preferably within a period of six months from the date of communication of this order.

9. The accused is granted liberty to surrender before the court in seisin over the matter within a week. In case the petitioner surrenders and moves for bail, the same shall be considered by the Court below on its own merits.

10. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana

