

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1889 of 2022

Padmamukha Sabar

....

Petitioner

-versus-

State of Odisha

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER
03.08.2022

Order
No.

01.

1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the criminal proceeding in Junagarh P.S. Case No.05 of 2012, corresponding to G.R. Case No.09 of 2012, pending in the court of Civil Judge-cum-J.M.F.C., Junagarh.
3. Heard the learned counsel appearing for the Petitioner and the learned counsel appearing for the Vigilance Department.
4. Learned counsel for the Petitioner submits that Petitioner having been convicted in the self-same cause of action, the proceeding against him is incompetent. As such, the same be quashed.

5. However, it appears from the submission of the learned counsel for the Petitioner that the case is at the stage of accused statement and the Petitioner had never brought to the notice of this Court earlier to the fact that the case is hit by principle of double jeopardy. The aforesaid is also subject to examination the fact of both the cases and also law in this regard.

6. In such premises, this Court is not inclined to entertain the prayer of the Petitioner for quashment on the ground stated.

7. Hence, the Criminal Misc. Case is devoid of merit, as such, the same stands dismissed.

8. But, liberty is given to the Petitioner to raise the said contention and other contentions as available to him at the time of argument and in that event, the learned trial court shall address the same in proper perspective.

(S.Pujahari)
Judge