

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.313 of 2014

Shantilata Dash.

....

Petitioner

-versus-

State of Odisha & another.

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER

24.06.2022

Order No.

04.

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 25.09.2013 passed by the learned Special Judge (E), Balasore in Special Case No.29(E) of 2013 taking cognizance of the offence under Section 135 of the Electricity Act, 2003.
3. Heard the learned counsel for the petitioner and the learned counsel for the State.
4. Learned counsel for the petitioner submits that there was non-compliance of Section 135 of Cr.P.C., inasmuch as F.I.R. was not lodged within twenty-four hours of the occurrence and, as such, the impugned order of cognizance as well as the entire

criminal prosecution launched against the petitioner may be quashed.

5. Learned counsel for the State, however, submits that the said provision being not mandatory, the impugned order of cognizance as well as the criminal prosecution against the petitioner cannot be quashed on that ground.

6. No doubt, the F.I.R. said to have been received on 15.03.2013. But, since no material has been produced to show that the F.I.R. has not been given within twenty-four hours of occurrence, it cannot be said that there was non-compliance of Section 135 of Cr.P.C. Furthermore, the aforesaid cannot be said to be also mandatory in nature.

7. Considering the aforesaid facts and circumstances of the case, so also the submission advanced on behalf of the learned counsel for the petitioner, this Court is not inclined to interfere with the impugned order.

8. Hence, this CRLMC filed challenging the impugned order being devoid of merit stands dismissed. Interim order dated 03.02.2014 passed by this Court stands vacated.

9. A copy of this order be communicated to the Court below forthwith.

(S. Pujahari)
Judge

MRS