

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1713 of 2014

Pintu @ Janaranjan Swain *Petitioner*
-versus-
State of Odisha *Opposite Party*

CORAM: JUSTICE S. PUJAHARI

ORDER

05.07.2022

Order
No.

- 08.
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 order of cognizance dated 10th January, 2007 passed by the learned S.D.J.M., Jagatsinghpur in G.R. Case No.437 of 2005.
 3. Heard the learned counsel for the Petitioner and the learned counsel for the State-Opposite Party.
 4. As it appears, in the order of cognizance, as the learned S.D.J.M., Jagatsinghpur has not reflected violation of which control order promulgated under the Essential Commodities Act, the Petitioner has been proceeded under Section 7 of the

Essential Commodities Act. Furthermore, Section 7 of the Essential Commodities Act also consists of different parts and prescribed different punishment.

5. The order of cognizance discloses non-application of judicial mind.

6. Accordingly, the Criminal Misc. Case is allowed. Consequently, the impugned order is set aside and the matter is remitted back to the learned S.D.J.M., Jagatsinghpur to readdress the question of cognizance keeping in mind the aforesaid observation of this Court within fifteen days of receipt of copy of this order.

7. Interim order dated 29th April, 2014 passed in Misc. Case No.1278 of 2014 stands vacated.

8. Order be communicated to the court concerned forthwith.

(S. Pujahari)
Judge