

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2040 of 2022

Lokanath Sethi

.... **Petitioner**
Mr. N.C. Rout, Advocate

-Versus-

State of Odisha

.... **Opposite Party**
Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
19.09.2022

Order
No.
01.

1 Heard learned counsel for the petitioner and learned counsel for the State.

2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of order of cognizance and also the criminal proceeding in G.R. Case No.317 of 2012 which corresponds to Komna P.S. Case No.109 of 2012 pending before the court of learned G.N.A.-Cum-J.M.F.C., Komna on the grounds stated therein.

3. It is submitted that the trial is in progress before the learned court below and in so far as, the informant is concerned, he has not whispered anything against the petitioner and while contending so, he refers to Annexure-4 series. It is further submitted that as many as 24 prosecution witnesses have so far been examined out of 73 but the evidence as on received by the learned court below does not indicate or anything adverse against the petitioner and therefore, criminal proceeding which has been initiated at the instance of the informant and pending before the learned court below in G.R. Case No.317 of 2012 should be quashed. Mr. Mohapatra, learned ASC

appearing for the State submits that since the trial is on, the Court should not interfere and quash the proceeding in G.R. Case No.317 of 2012.

4. Perused the FIR i.e. Annexure-1, a copy of the charge sheet which is at Annexure-2. Admittedly, the trial is underway as submitted by the learned counsel for the petitioner but almost half of the prosecution witnesses have already been examined. The deposition of the informant in G.R. Case No.317 of 2012 is referred to by claiming that by such evidence no case is made out against the petitioner, However, the Court is of the view that the evidence of the informant and others are to be examined by the learned court below and piecemeal trial cannot be resorted to at this point of time especially when rest of the prosecution witnesses are still to be examined. The Court is also of the view that considering the nature of offences alleged with allegations made in the FIR, it would not be proper to terminate the criminal proceeding merely on the strength of the evidence of the informant. The learned court below shall rather have to examine the evidence in its entirety and deal with the same at the end of the trial for a decision on the culpability of the petitioner and therefore, this Court is of the conclusion that the criminal proceeding in G.R. Case No.317 of 2012 cannot be quashed on such ground.

5. Accordingly, it is ordered.

6. In the result, the CRLMC stands dismissed. However, considering the fact that the criminal proceeding has been initiated in 2012, the learned court below is requested to expedite the trial in connection with G.R. Case No.317 of 2012 corresponding to Komna P.S. Case No.109 of 2012 pending in the court of learned G.N.A.-Cum-J.M.F.C., Komna and to ensure its disposal preferably within a

period of eight months from the date of receipt of a copy of the above order unless there is any other impediment.

7. A copy of the above order be sent to the learned court below forthwith for compliance.

8. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU

