

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2199 of 2022

Pratap Kumar Jena

....

Petitioner

Mr. Achyutananda Pattanaik, Advocate

-Versus-

State of Odisha and another

....

Opposite Party

Mr.S.S. Mohapatra, ASC, OP No.1

None for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
16.09.2022

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 praying for quashing of the order of cognizance dated 3rd May, 2021 passed by the learned S.D.J.M., Bhadrak in G.R. Case No.956 of 2021 arising out of Bhandaripokhari P.S. Case No.110 of 2021 on the grounds stated therein.
 3. Perused the copy of the FIR at Annexure-1 and other documents including a copy of the charge-sheet as at Annexure-3 besides the impugned order of cognizance dated 3rd May, 2021 which is at Annexure-4.
 4. Learned counsel for the petitioner submits that no case under Section 307 IPC is made out against the petitioner even though the charge-sheet is submitted along with other allied

offences, therefore, the impugned order of cognizance under Annexure-4 may be quashed in exercise of inherent jurisdiction of this Court under Section 482 Cr.P.C. which is objected to by Mr. Mohapatra, learned ASC for the State on the ground that the allegation against the petitioner involves an offence under Section 307 IPC and hence, the impugned order under Annexure-4 calls for no interference. It is further submitted that the petitioner assaulted opposite party No.2 by means of an axe referring to the injury report as at Annexure-2.

5. But then, the Court is not inclined to accept such contention of the learned counsel for the petitioner for the fact that the injured sustained a simple injury. In fact, the assault has been caused by means of a dangerous weapon like axe. Even though the injury is simple nature, this Court is not inclined to quash the order of cognizance dated 3rd May, 2021 passed by the learned S.D.J.M., Bhadrak in G.R. Case No.956 of 2021. But, the Court grants liberty to the petitioner to raise all such grounds at the time of framing charge.

6. In view of the above submission, the CRLMC stands disposed of with liberty to the petitioner to move learned S.D.J.M., Bhadrak in G.R. Case No.956 of 2021 seeking discharge vis-a-vis the offence under Section 307 IPC and if any such application so urged by him, learned court below shall consider the same and pass appropriate order as per and in accordance with law.

(R.K. Pattanaik)
Judge