

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2285 of 2022

Sitesh Pattanaik

....
Mr. B.B. Routray, Advocate

Petitioner

-Versus-

State of Odisha

....
Mr. S.S. Mohapatra, ASC

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAIAK

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 the criminal proceeding in G.R. Case No.83 of 2006 corresponding to Jeypore Town P.S. Case No.26 of 2006 pending in the file of learned S.D.J.M., Jeypore on the grounds stated therein.

3. Learned counsel for the petitioner submits that the father of petitioner received money from the different persons and in that connection submitted an undertaking before the local police to refund it in case unable to provide employment to the persons whom he had promised and on that basis Jeypore Town Case No.26 of 2006 was registered under Sections 420, 319, 468, 471 read with 34 IPC, It is contended that since the petitioner's father is died and he had received the money, the criminal proceeding

cannot be continued against the petitioner and therefore, deserves to be quashed which is objected to by Mohapatra, learned ASC for State on the ground that even on a bare reading of the FIR and the undertaking furnished by the father of the petitioner, it appears that he as well as petitioner admitted to have received the amount. Having regard to the above fact that the amount stated to have been received jointly, the Court is not inclined to interfere with the criminal proceeding which presently pending before the court of learned S.D.J.M. Jeypore. However, the Court is of the view that the petitioner can still raise such ground at the time of framing of charge which may be considered on merits.

4. Consequently, the CRLMC stands disposed of with a liberty to the petitioner if so advised to raise all such grounds seeking discharge at appropriate time before the learned S.D.J.M. Jeypore in connection with G.R. Case No.83 of 2006 which shall be considered as per and in accordance with law.

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

(R.K. Pattanaik)
Judge