

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2300 of 2022

Tankadhar Sahu and others

....

Petitioners

Mr. Unmesh Chandra Jena, Advocate

-Versus-

The State of Orissa and another

....

Opposite Parties

Mr. P.K. Rout, AGA, OP No.1

None for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

23.09.2022

Order No.

02.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners challenging the order of cognizance dated 18th June, 2021 passed by the learned Sessions Judge-cum-Special Court, Deogarh in Spl. G.R. Case No.04 of 2021 arising out of Deogarh P.S. Case No.20 of 2021 on the ground that there is no case made out against them and that apart, the dispute is civil in nature.
3. Perused the copy of the FIR as at Annexure-1 along with charge sheet i.e. Annexure-2 and copy of the impugned order dated 18th June, 2021 which is at Annexure-3.
4. It is submitted that there is a dispute between both the sides and on account of such dispute, the informant lodged the FIR falsely alleging therein that the petitioners abused her in filthy language and made aspersions on caste and also threatened to kill. It is

submitted that since the case originated from a civil dispute, the criminal proceeding which has been initiated in Spl. G.R. Case No.04 of 2021 arising out of Deogarh P.S. Case No.20 of 2021 should be quashed which is objected to by Mr. Rout, learned Additional Government Advocate for the State.

5. On a bare reading of the allegations regarding mischief committed and the manner in which it was accomplished in the FIR, the same discloses a prima facie case against the petitioners and therefore, the Court is not inclined to interfere with the order of cognizance. However, at this stage, the learned counsel for the petitioners submits that NBWAs have been issued by the learned court below and the charge sheet has also been submitted. In view of the above, having regard to the nature of allegations, the Court is of the opinion that the petitioners should be directed to surrender and go on bail which would serve the purpose. Accordingly, it is ordered.

6. Consequently, the CRLMC stands disposed of with a direction to the petitioners to surrender before the learned Sessions Judge-cum-Special Court, Deogarh 15th October, 2022 in Spl. G.R. Case No.04 of 2021 arising out of Deogarh P.S. Case No.20 of 2021 and in the event of their surrender, the court below shall release them on bail subject to conditions.

7. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge