

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2810 of 2019

Satyabhama Swain & another. ***Petitioners***

-versus-

State of Odisha & another. ***Opposite Parties***

CORAM: JUSTICE S.PUJAHARI

ORDER

16.03.2022

Order No.

07.

1. This matter is taken up through Hybrid mode.
2. The petitioners in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) have prayed for quashing of the order dated 30.01.2019 passed by the learned J.M.F.C., Konark, Puri in G.R. Case No.331 of 2018 taking cognizance of the offences under Sections 498-A, 323, 406 and 506/34 of IPC and Section 4 of the D.P. Act.
3. Heard the learned counsel for the petitioners and Mr. R.K. Dash, learned counsel appearing for the opposite party no.2.
4. Considering the facts and circumstances of the case, so also the submission advanced on behalf of the learned counsel

for the petitioner, this Court is not inclined to interfere with the impugned order on the grounds stated.

5. However, liberty is given to the petitioner to raise all such contentions at the time of framing of charge and in that event, the Court in seisin over the matter without being influenced by this order, inasmuch as at the stage of cognizance the Court has no scope to address the contention of the accused persons, so also to scan the materials, but to take a prima-facie view, while at the time of framing of charge the Court on hearing the accused and if so desired, also examining him, whether the charge is groundless one or there are sufficient ground to presume the accused to have committed an offence triable under the warrant procedure, scanning the materials produced while filing charge-sheet under Section 173 of Cr.P.C. to reach to the aforesaid conclusion.

6. With the aforesaid order, this CRLMC stands disposed of. Interim order dated 15.02.2022 passed by this Court stands vacated.

7. A copy of this order be communicated to the Court below forthwith.

(S. Pujahari)
Judge

MRS