

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.425 of 2022

Niranjan Senapati and another ***Petitioners***

Mr. Md. Golam Madani, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr.P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
08.12.2022.

Order No.

05. 1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. The Petitioners are aggrieved by order dated 3rd March, 2022 passed by learned Addl. Sessions Judge, Bhadrak in S.T. Case No.291/2015 whereby an application filed by them under Section 227 of Cr.P.C. for discharge was rejected.

4. The facts of the case, briefly stated, are that one Satyabrata Panda lodged F.I.R. before the I.I.C. of Dhamnagar P.S. alleging that his sister was given in marriage to one Sangram Senapati, who is the son of the present Petitioners. At the time of marriage, cash and several articles were given in dowry as per demand. However, the victim was treated with cruelty, both physically and mentally, by her husband and in-laws demanding further dowry. Well-wishers intervened and tried to amicably resolve the dispute, but to no avail. Ultimately, the victim came and resided in her in-laws house, where she is said to have committed suicide.

5. Mr.Md.Golam Madani, learned counsel appearing for the Petitioner, submits that the very fact that the death of the deceased was due to suicide and in her parental home, the same rules out the possibility of involvement of the Petitioners as they were residing at a different place. According to Mr. Madani, the Court below has not considered this fact and has accepted the materials as it is.

6. Mr. P. Tripathy, learned Addl. Standing Counsel for the State, has countered the submissions of Mr.Madani by submitting that there are serious allegations against the Petitioners of treating the victim with cruelty in connection with demand for dowry prior to her death. Therefore, notwithstanding the fact that the death had occurred in her

parental home, it cannot be said that her parents-in-law had no role to play.

7. I have considered the rival submissions and have also gone through the case record and the impugned order. It is trite law that at the time of framing charge/discharge, the Court is not expected to make a roving inquiry or to sift the materials and evidence on record to ascertain whether the same are sufficient to record an order of conviction of the accused persons. At this stage, all that the Court is required to do is to form a presumptive opinion as regards commission of the offence by the accused only on the basis of the materials produced by the prosecution. If the F.I.R. itself is considered, it would show a long history of the deceased being subjected to cruelty by her in-laws in connection with demand for dowry. Of course, this is not to conclusively hold that such allegations are correct. The veracity of the allegations can only be determined by evidence in trial. At this stage, it would suffice to say that the materials on record raise a grave suspicion that the accused persons may have committed the offences. The Court below has considered the materials on record in the proper perspective to hold that no case for discharge is made out. After independently scanning the materials on record, this Court is also of the same view and therefore, finds no reason to interfere in the matter. The contentions raised by the Petitioners before this Court are such as can be considered by the Court at the appropriate stage if necessary, by invoking power under Section 216 of Cr.P.C. It

is needless to mention that if the Court finds any such material, it shall do well to pass necessary orders. For the present, the impugned order stands confirmed.

8. With these observations, the CRLREV is disposed of.

AKB

(Sashikanta Mishra)
Judge

