

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2468 of 2022

Bapi @ Mahendra Behera

....

Petitioner

Mr. Akshaya Kumar Sahoo, Advocate

-Versus-

State of Orissa

....

Opposite Party

Mr.S.S. Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

22.09.2022

Order No.

02.

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 dated 27th July, 2022 passed by the learned Sessions Judge-cum-Special Judge, Bhubanewar in T.R. Case No.43 of 2022 on the grounds stated therein.
3. Learned counsel for the petitioner submits that learned court below without any justification has allowed the prayer for extension of time to the I.O. on the ground that investigation had not been completed and required some more time but then, the same was not supported by any material and therefore, the impugned order under Annexure-4 cannot be sustained in law, which is objected to by Mr.Mohapatra, learned Additional Standing Counsel on the ground that there has been extension of 60 days to collect materials which has been rightly allowed by the learned court below.

4. On a perusal of the impugned order under Annexure-4, the Court finds that the investigation pertains to commercial quantity of ganja of 169 Kgs. which was seized from the petitioner and now the investigation is still in progress and in that connection, the I.O. approached the court below on the ground that involvement of other accused persons are to be unearthed and chemical examination report from the State Forensic Science Laboratory, Bhubaneswar was to be obtained. It is further contended by learned counsel for the petitioner that the I.O. while praying for extension of time for the purpose of investigation should have placed the materials to satisfy the Court and in absence of anything in that respect, the learned court below simply on the basis of the request received from the I.O. allowed extension which is uncalled for.

5. This Court finds that the request for extension of time for investigation was perhaps on the ground that the chemical examination report has not been collected yet from the laboratory which is essential and for which, it was allowed. This Court does not find any error apparent on the face of the record which requires interference in exercise of inherent jurisdiction under Section 482 Cr.P.C. Accordingly, it is ordered.

6. The CRLMC thus stands dismissed.

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

(R.K. Pattanaik)
Judge