

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2497 of 2022

Sushant Kumar Giri @ Susanta Giri and Petitioners
others

Mr. Pravash Chandra Jena, Advocate

-Versus-

State of Odisha Opposite Party
Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
26.10.2022

Order No.

- 02.
1. Heard Mr. P.C. Jena, learned counsel for the petitioners and Mr. S.S. Mohapatra, learned Additional Standing Counsel for the State.
 2. Instant petitioner under Section 482 Cr.P.C. is filed by the petitioners for quashing of the order of cognizance dated 14th September, 2021 passed by the learned Special Court under SC&ST Act, Balasore in Special Case No.46/29 of 2021 on the grounds stated therein.
 3. Mr. Jena, learned counsel for the petitioners submits that the petitioners are in-laws of the victim and the allegations are omnibus in nature and that apart, Section 3(2)(v)(a) of SC&ST (POA) Act and Section 304-B IPC are not made out against them. It is submitted that in the meantime, investigation was concluded which resulted in the submission of chargesheet, wherein, the accused husband is shown as an absconder and in so far as the

petitioners are concerned, NBWAs have been issued against them which are pending execution.

4. Mr. Mohapatra, learned Additional Standing Counsel for the State on the other hand submits that there is material on record to show the involvement of the petitioners, inasmuch as, the deceased was subjected to ill-treatment by all for which the latter commit suicide and in such view of the matter, no ground is made out for quashing of the impugned order under Annexure-3.

5. A copy of the FIR under Annexure-1 is perused by the Court. In fact, after the report was lodged by the informant, Remuna P.S. Case No.78 of 2021 was registered for commission of offences under Sections 498-A, 304-B, 302, 34 IPC read with Section 4 of D.P. Act and Sections 3(2)(va) of SC&ST (POA) Act. Finally, chargesheet was submitted, a copy of which is at Annexure-2 and the same is also perused. In fact, at the end of the investigation, the petitioners and accused husband have been chargesheeted under the alleged offences along with Sections 306 and 406 IPC. Mr. Jena, learned counsel for the petitioners further submits that the allegation with regard to ill-treatment towards the deceased is omnibus in nature and that apart, Section 3(2)(va) of SC&ST (POA) Act is not made out even on a bare reading of the FIR. However, in course of hearing, Mr. Jena did not press the matter on merit but submitted that since the petitioners are in-laws and they have no direct role to play in the death of the deceased and the allegations are afterthought, therefore, they should be directed to surrender and allowed to go on bail subject to conditions as would be just and proper in the facts and circumstances of the case which is objected to by Mr. Mohapatra, learned counsel for the State.

6. Considering the allegations in the FIR under Annexure-1 and the fact that materials have been collected with regard to the involvement of the petitioners and others which resulted in submission of chargesheet and taking into account the fact that the informant committed suicide, who having been harassed took such a drastic step, therefore, no real ground is made out for quashing of the criminal proceeding pending before the learned Special Court under SC&ST Act, Balasore.

7. However, having regard to the submission of Mr. Jena, learned counsel for the petitioners and the materials on record, the Court is of the opinion that since the allegations are omnibus in nature and the death of the deceased was suicidal in nature and that the investigation is concluded, the petitioners should be directed to surrender and go on bail subject to conditions. Accordingly, it is ordered.

8. Consequently, the CRLMC stands disposed of with a direction to the petitioners to surrender before the learned Special Court under SC&ST Act, Balasore on or before 11th November, 2022 in Special Case No.46/29 of 2021 and in such an event, they shall be released on bail on such terms and conditions as would be deemed just and proper in the facts and circumstances of the case.

9. Issue urgent certified copy of this order on proper application.

(R.K. Pattanaik)
Judge

U.K.Sahoo