

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.23872 of 2022
(Through hybrid mode)**

Sri Simadri Nimalpuri

....

Petitioner

Mr. Harihar Panigrahi, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. Tatun Patnaik, ASC

CORAM: JUSTICE ARINDAM SINHA

**ORDER
12.10.2022**

**Order
No.**

01.

1. Mr. Panigrahi, learned advocate appears on behalf of petitioner and submits, his client's prayer is for relief of compensation on having been maliciously prosecuted. He draws attention to judgment dated 6th February, 2017 made by the Judicial Magistrate First Class, Gunupur in G.R. Case no.55 of 2010, whereunder his client was acquitted of charge under sections 294/385 IPC. He submits, the informant falsely accused his client. The criminal Court found two prosecution witnesses to have given hearsay evidence. Independent witnesses did not positively depose against his client. The only witness who corroborated informant's case, was related to him.

2. Mr. Patnaik, learned advocate, Additional Government Advocate appears on behalf of State. On query from Court he points out, section 211 in IPC is the provision for malicious prosecution.

3. Petitioner is in possession of a judgment in his favour. State in causing investigation of the case and prosecuting it cannot be held to

have done wrong. If at all, it is the informant against whom petitioner may have cause of action.

4. With above observation, the writ petition is disposed of.

(Arindam Sinha)
Judge

Sks

