

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3563 of 2016

Bishnu Dalai

..... ***Petitioner***
Ms. P.Mohanty, Advocate

-versus-

Sudhansu Jena @ Jana and others

..... ***Opp. Parties***
Mr. S.R. Roul, A.S.C.

CORAM:
JUSTICE G. SATAPATHY

ORDER
13.12.2022

Order No.

- 06.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Ms. P. Mohanty, learned counsel for the Petitioner submits that the Petitioner as Informant has prayed to direct the learned trial Court to take cognizance of offence under section 304-B of IPC, but in the meantime, the learned J.M.F.C., Rajnagar has taken cognizance of offence under section 498-A/306 of IPC r/w Section-3(i) (x) (2) (v) SC/ST (PA) Act, and, thereby, necessary direction may kindly be issued to the learned trial Court to frame charge under section 304-B of IPC.
 3. Mr. S.S. Pradhan, learned A.G.A. submits that the informant can raise all those points by taking help of the Public Prosecutor by engaging a counsel in this case and in such event, the Court may be instructed to pass an appropriate order.
 4. In view of the aforesaid submissions and prayer and taking into consideration the fact that the criminal case is posted for appearance of accused persons, it is requested that the learned trial Court may take into consideration the submissions of the learned P.P. in the matter of consideration of charge under section-304-B of IPC,

if so advanced, at the time of consideration of charge in the aforesaid criminal case and pass an appropriate order in accordance with law. The Informant may assist the prosecution at the time of consideration of charge, but learned Public Prosecutor is not bound to consider the advice of the Informant, if the same is not in accordance with law.

5. Accordingly, the CRLMC is disposed of.

(G. Satapathy)
Judge

Priyajit

