

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2601 of 2022

Mahendra Kumar Sahu

....

Petitioner

Mr. Prafulla Kumar Kar, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. T.K. Praharaj, SC, OP No.1

None for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

10.10.2022

Order No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. In the instant case, petitioner challenges the criminal action post filing of chargesheet before the learned J.M.F.C., M. Rampur in C.T. Case No.322 of 2021 arising out of M. Rampur P.S. Case No.162 of 2021 on the ground that there is no prima facie case made out against the petitioner in so far as the offences under Sections 417/506 IPC are concerned.
3. Learned counsel for the petitioner submits that the allegations made in the FIR cannot be sustained since opposite party No.2 has made false allegation against the petitioner and therefore, the proceeding pending before the learned court below should be quashed.
4. Mr. Praharaj, learned Standing Counsel for the State submits that prima facie case is made out against the petitioner as revealed

from the FIR as well as the chargesheet, copies of which are at Annexures-1 and 2 respectively.

5. The allegation made by the informant under Annexure-1 is that she was cheated by the petitioner who had promised to marry her and kept physical relationship on that pretext and during that time, had paid Rs.2 lac to him but was finally cheated. Since the claim of the petitioner is purely factual which is with regard to the allegation made in the FIR, the Court is not inclined to interfere with the criminal proceeding.

6. At this juncture, learned counsel for the petitioner submits that at least liberty may be granted to the petitioner to raise all such grounds at the time of framing of charge.

7. Considering the above submission, the Court is of the view that though no case is made out for interference, the petitioner should be granted liberty to raise any such ground at the time of framing of charge.

8. In the result, the CRLMC stands disposed of with liberty granted to the petitioner to raise all the grounds so agitated at the time of framing of charge and in the event so urged before the court below, it shall be considered with appropriate orders passed thereon as per and in accordance with law.

9. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge