

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1660 of 2021

Sanjaya Kumar Sahoo

....

Petitioner

Mr. Manas Chand, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr.S.S.Mohapatra,ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

12.09.2022

Order No.

- 01.
1. Heard learned counsel Mr. Chand appearing for the petitioner and learned counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner challenging the order of cognizance dated 9th February, 2021 passed in G.R. Case No. 426 of 2020 pending in the file of learned J.M.F.C., Tirtol on the grounds stated therein.
 3. Mr. Chand, learned counsel for the petitioner submits that there is no material against the petitioner but he has been implicated on the strength of confessional statement of co-accused and under such circumstances, the criminal proceeding cannot be sustained in law and thus, shall have to be quashed which is objected to by the learned counsel for the State. However, the Court is of the view that such a question can be agitated before the learned court below during enquiry and at the time of framing of charge and. In response, the learned counsel for the petitioner submits that if the

Court is not inclined to interfere with the impugned order of cognizance, the petitioner may be directed to surrender before the court below.

4. Having regard to the above facts and submissions of the learned counsel for the parties, CRLMC stands disposed of with a direction to the petitioner against whom the warrant of arrest is pending execution to surrender before the court of learned J.M.F.C. Tirtol on or before 30th September, 2022 in connection with G.R. Case No. 426 of 2020 and in the event of his surrender, the court shall release him on bail with conditions and also with liberty granted to him to raise such ground at the time of framing of charge, which shall be examined and considered by the court concerned and to pass appropriate orders thereon as per and in accordance with law.

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

(R.K. Pattanaik)
Judge