

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1662 of 2021

Sayad Hifzul Bari

....

Petitioner

Mr. Samvit Mohanty, Advocate

Versus

State of Odisha & Another

....

Opposite Parties

Mr. S.S. Pradhan, A.G.A.

CORAM:

JUSTICE SAVITRI RATHO

ORDER

15.02.2022

Order No.

- 02.
1. This matter is taken up through hybrid mode.
 2. Heard Mr. Samvit Mohanty, learned counsel for the petitioner and Mr. S.S. Pradhan, learned Addl. Govt. Advocate for the State.
 3. This is an application under section 482 of the Code of Criminal Procedure filed by the petitioner for quashing the G.R. Case No.252 of 2020 pending in the Court of the learned J.M.F.C.(P), Kujang in connection with Paradeep P.S. Case No.46 of 2020 and consequential order dated 03.06.2020.
 4. Pursuant to order dated 03.02.2022 the Medical Officer, CHC, Atharabanki, Jagatsinghpur has prepared the injury report which is annexed as Annexure-3 and had appeared before the Court through Video Conferencing mode as the injury report was illegible and could not be read.
 5. Dr. P.K. Samal, Medical Officer, CHC, Atharabanki, Jagatsinghpur district is present before this Court through Video Conferencing mode. He submits that his handwriting is poor for which the contents of the injury report are difficult to read but he begs apology when it is brought to his notice that such reports will cause problems in Court proceedings as well as in the treatment of the patient. He submits

that he will ensure henceforth that certificates or reports issued by him are readable.

6. Considering the said submission, the personal appearance of Medical Officer, CHC, Atharabanki, Jagatsinghpur is dispensed with.

7. The learned Additional Government Advocate is directed to ensure that a warning is issued to Dr. P.K. Samal by his superior officer that he will ensure in future that certificate or medical reports issued by him are readable.

8. The Medical Officer, CHC, Atharabanki, Jagatsinghpur has sent a copy of the injury report to the learned Additional Government Advocate issued by him in this case in good handwriting for perusal of this Court. The learned State Counsel files it with a memo. The same be kept in the record.

9. Mr. Mohanty, learned counsel for the petitioner submits that he does not want to press the CRLMC and may be granted liberty to raise his contention that a case is not made out under Section 307 of IPC along with the all other contentions available to him at the time of framing of charge and he shall file a memo to that effect. The same be kept on record.

10. The documents filed in Court today be scanned.

11. Accordingly, the CRLMC is dismissed as withdrawn.

12. Copy of this order along with a copy of the injury report prepared by Dr. P.K. Samal and received today be sent to the learned J.M.F.C.(P), Kujang for attaching it to the case record for its use during framing of charge and during trial.

13. Urgent certified copy of this order be granted on proper application.

.....
(Savitri Ratho)
Judge