

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2690 of 2022

Alok Sahoo @ Alok Kumar Sahoo Petitioner
Mr. Deepak Kumar Sahoo, Advocate

-Versus-

State of Orissa Opposite Party
Mr. Tapas Kumar Praharaj, SC for State

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
01.11.2022

Order No.

01. 1. Heard Mr. Deepak Kumar Sahoo, learned counsel for the petitioner and Mr. T.K. Praharaj, Standing Counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner challenging the correctness of the impugned order under Annexure-1 passed by the learned J.M.F.C., Aul in G.R. Case No.536 of 2021 arising out of Aul P.S. Case No.257 of 2021 on the grounds stated therein.
3. A copy of the FIR which is at Annexure-2 is perused by the Court. Pursuant to lodging of the FIR, Aul P.S. Case No.257 of 2021 has been registered against the petitioner and others for commission of offences under Sections 341, 323, 294, 324, 307, 354-B, 506 and 34 of IPC and after submission of chargesheet, the court below took cognizance of the offences, wherein, the petitioner has been shown as an absconder.

4. Learned counsel for the petitioner submits that the parties are involved in a civil dispute and there is a counter case filed at the instance of the petitioner. It is further submitted that some of the accused persons have been released on bail wherein the petitioner was shown as an absconder later to which NBWA was issued against him by the learned court below.

5. Mr.Praharaj, learned Standing for the State submits that petitioner was responsible for the assault and caused the head injury to the victim by means way of a knife (farsa).

6. On the other hand, learned counsel for the petitioner instead of pressing the matter on merit submits that at least the petitioner should be directed to surrender before the learned court below and apply for bail, which would serve the purpose.

7. Having regard to the above submissions of learned counsel for the parties and considering the facts on record, the Court is not inclined to interfere with the impugned order of cognizance at Annexure-1. In other words, the Court finds that learned court below did not commit any error or illegality in taking cognizance of the offences post submission of the chargesheet and has rightly therefore passed the impugned order. But then, the Court is of the view that the petitioner should be directed to surrender and accordingly, it is ordered.

8. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned J.M.F.C., Aul on or before 11th November, 2022 in G.R. Case No.536 of 2021 arising out of Aul P.S. Case No.257 of 2021 and in the event, he surrenders within the time stipulated and applies for bail, the court below shall consider the same and pass orders thereon in the event the same is disallowed, he may move the higher forum on the same day in the second hour and for the said purpose, case diary shall be made available to the Sessions court at the cost of the petitioner and while

pleading for bail, the claim for parity, since other co-accused persons have also been released on bail may be examined by the court. The courts below shall also take notice of the fact of compromise or settlement which has been claimed by learned counsel for the petitioner before this Court and pass appropriate orders as per and in accordance with law.

9. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo

