

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1737 of 2021

Nihar Ranjan Das @ Banty

.... Petitioner
Mr. B.K. Parida, Advocate

-Versus-

State of Odisha and Another

.... Opposite Parties
Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
01.12.2022

Order
No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C is moved by the petitioner for quashing of the criminal proceeding corresponding to C.T. Case No.296 of 219 arising out of Sukinda P.S. Case No. 60 of 2019 pending in the file of learned Grama Nyayalaya, Sukinda on the grounds stated therein.
3. Learned counsel for the petitioner submits that the victim did not cooperate in the investigation and refused medical examination on police requisition, however, the chargesheet was filed against the petitioner under Sections 354(D) and 509 IPC, whereupon, the learned court below took cognizance of the said offence under Annexure-2 which is, therefore, not tenable in law.

4. Mr. Mohapatra, learned counsel for the State on the other hand submits that no ground is made out for interference and rightly the learned court below has passed the impugned order taking cognizance of the offences under Sections 354(D) and 509 IPC and hence, its call for no interference.

5. The Court perused the copy of the FIR as at Annexure-1 which indicates that the informant lodged the FIR for the alleged mischief committed by the petitioner during and in course of the incident consequent upon which Sukinda P.S. Case No.60 of 2019. However, in the meantime offence under Sections 354(D) and 509 IPC has been chargesheeted. Considering the nature of allegations and the fact that the petitioner stands chargesheeted for the alleged offences, there is no ground made out for interference and as a result, the learned court below cannot be said to have committed any error or illegality while taking cognizance of the alleged offences by order dated 6th September, 2019. In other words, no case is made out by the petitioner for quashing of the criminal proceeding in connection with C.T. No.296 of 2019.

6. However, the Court is of the view that the petitioner since chargesheeted for the lesser offence, he should be directed to surrender before the learned court below and released on bail.

7. Accordingly, it is ordered.

8. In the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the learned Grama Nyayalaya, Sukinda in connection with C.T. No.296 of 2019 arising out of Sukinda P.S. Case No.60 of 2019 pending in the file of learned

J.M.F.C., Sukinda on or before 20th December, 2022 and in the event he surrenders, the court below shall release him on bail subject to conditions as deemed just and proper in the facts and circumstances of the case.

9. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge



TUDU