

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2778 of 2022

Rajib Mulluk

.....

Petitioner

Mr. A. Mohanty, Adv.

Vs.

State of Odisha

.....

Opposite Party

Ms. S. Pattnaik, A.G.A.

CORAM:

JUSTICE SAVITRI RATHO

ORDER

07.12.2022

Order No.

01.

(Through hybrid mode)

1. Heard Mr. A. Mohanty, learned counsel for the petitioner.
2. This application under section 482 of the Code of Criminal Procedure has been filed by the petitioner for quashing the G.R. Case No. 798 of 2021 (arising out of Paradeep Model P.S. Case No. 152 of 2021) pending before the Court of the learned J.M.F.C.(P), Kujang, Paradeep, Dist-Jagatsinghpur.
3. The allegation in brief is that while the father of the complainant was engaged for loading of the coal wagon and the wire securing the door broke for which the door suddenly open and the coal fell on the body of Rabindra Kumar Mallik the father of the informant. Although he was wearing a helmet, he sustained head injury and was shifted to Paradeep Port Hospital and then to Ashwini Hospital, Cuttack for treatment. He expired during course of treatment. Initially the FIR has been registered for commission of offences punishable under Sections 287/337/338 of the IPC against unknown persons. But charge sheet has been submitted against the petitioner for commission of offences punishable under Sections 287/304-A of the IPC.
4. Mr. Mohanty, learned counsel for the petitioner submits that the petitioner was working as safety officer of the company and

the accident occurred due to the negligence of the deceased who operated the wagon in the absence of the safety officer and not due to any fault of the petitioner who was absent on that day. The petitioner cannot be held responsible for the incident which took place in his absence.

5. In view of the scope of exercise of the power under Section 482 of the Cr.P.C., I am of the view that the contentions raised by the learned counsel for the petitioner cannot be considered at this stage. The CRLMC is therefore disposed of granting liberty to the petitioner to raise these contentions and any other contention available to him under law at the stage of framing of charge.

6. The CRLMC is disposed of with the aforesaid observations.
Issue urgent certified copy as per rules.

Sukanta



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(SAVITRI RATHO)
JUDGE