

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2816 of 2022

Chaitanya @ Chayan Majhi

.... Petitioner
Mr. P.C. Jena, Advocate

-Versus-

State of Odisha

.... Opposite Party
Mr. P.K. Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

Order
No.
01.

ORDER
20.10.2022

1. Heard Mr. Jena, learned counsel for the petitioner and Mr. Rout, learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed for quashing of the entire criminal proceeding in C.T. Case No.498(A) of 2018 corresponding to Athagarh P.S. Case No.255 of 2018 pending in the file of learned S.D.J.M. Athagarh on the grounds stated therein.
3. Copy of the FIR which is at Anneuxre-1 series is perused by the Court.
4. Mr. Jena, learned counsel for the petitioner submits that this Court under similar circumstances while disposing of CRLMC No.2092 of 2022 directed the petitioner therein to surrender before the learned court below within the stipulated time and in the event of his surrender, the court shall release him on bail and in such view of the matter, same relief may be granted to the petitioner against whom a non-bailable warrant of arrest is pending execution.

5. While claiming so, Mr. Jena refers to the depositions of the witnesses, copies of which is at Anenxure-3 series and particularly that of the victim examined as P.W.75 in S.T. Case No.55 of 2019. It is informed to the Court by Mr. Jena that the trial t in S.T. Case No.55 of 2019 is still in progress and only couple of more witnesses to be examined from the side of prosecution.

6. Having regard to the above facts and considering hostile evidence of P.W.75 who happens to be victim's wife and the fact that in a similar situation another accused, namely, Chintu @ Sourav Prasad Majhi against whom non-bailable warrant of arrest was pending execution, he was directed to surrender in connection with the case, the Court is of the view that the petitioner as well be directed to surrender in C.T. Case No.498(A) of 2018 on similar terms and conditions.

7. Consequently, CRLMC stands disposed of. The Court although is not inclined to accede to the prayer for quashing of the criminal proceeding pending before the learned court below but in the peculiar facts and circumstances of the case, directs that the petitioner shall surrender before the learned S.D.J.M., Athagarh in C.T. Case No.498(A) of 2018 on or before 10th November, 2022 and in the event of his surrender, the court shall release him on bail subject to conditions.

8. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU