

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3223 of 2019

Bhagyarathi Kar and Others

....

Petitioners

Mr. Niranjana Lenka, Advocate

-Versus-

State of Odisha and Another

....

Opposite Parties

Mr. Sitikanta Mishra, ASC, OP No.1

None for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

19.12.2022

Order No.

01. 1. Learned counsel for the petitioners files a memo in Court today, seeking withdrawal of the CRLMC, which is taken on record.
2. Consequently, the CRLMC stands dismissed for non-prosecution.
2. Admit.
3. Issue notice.
4. Learned counsel for the State accepts notice on behalf of opposite party No.1.
5. Notice need be issued to the opposite party No.2 by Registered Post with A.D. with an early returnable date and for the said purpose, requisite shall be filed within a week from today.
6. List this matter on 10<sup>th</sup> January, 2023 for appearance of the opposite party No.2

(R.K. Pattanaik)  
Judge

**I.A. No.1017 of 2022**

02. 1. Mr. Anirudha Das, learned counsel for the petitioner submits that the petitioner is the headmaster of the school and there is no allegation of rape in the FIR. It is further submitted that despite having no sexual abuse, chargesheet under Section 376(2) IPC has been filed whereupon learned court below took cognizance of the said offence under Annexure-4 and after taking cognizance of the offence, learned court below issued summon against the petitioner to appear before the Court.
2. Considering the nature of allegation as made out in the FIR, Mr. Das, learned counsel for the petitioner submits that till appearance of opposite party No.2, the petitioner may be allowed interimly protected.
3. In view of the above submission, this Court directs that the petitioner shall not be arrested in connection with Daringbadi P.S. Case No.65 of 2018 corresponding to C.T. Case No.26 of 2018 pending in the file of learned Addl. Sessions Judge-cum-Special Judge, Phulbani till the next date of listing.
4. Issue urgent certified copy of this order on proper application.
5. List this matter on the date fixed.

**(R.K. Pattanaik)**  
**Judge**