

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP NO.2065 OF 2022

Sumanti Rout

Petitioner
.....
Mr.R.K.Panda, Advocate

-versus-

State of Odisha and Others

Opposite Parties
.....
Mr.S.Jena, ASC

**CORAM:
MR. JUSTICE D.DASH**

**Order
No.**

**ORDER
10.11.2022**

01.

1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. Heard.
3. The Petitioner, by filing this petition, has invoked the jurisdiction under Articles 226 & 227 of the Constitution of India in advancing the prayer as under:-

(i) Calling upon the Opposite Parties, more particularly the Opposite Party No.2 and 3 to show cause as to why proper investigation of the F.I.R vide Rasgovindpur P.S Case No.158 date d22.07.2022 under Annexure-1 shall not be completed and the accused persons shall not be apprehended and charge sheet shall not be submitted within a stipulated time period for the interest of justice; and

(ii) issue a writ of Mandamus by directing the Opposite Party No.3 to take legal action against the accused persons and to submit charge sheet in the aforesaid case after completion of the investigation within a stipulated time period for the interest of justice.”

4. Learned counsel for the Petitioner submits that the investigation of Rasgovindpur P.S. Case No.158 of 2022 is not proceeding in a proper manner which can be seen from the very fact that when the complaint petition filed by the Petitioner when finds mention of the offences under sections 294/120(B)/168/ 170/223/416/417/418/419/420/354/506/500/34 of I.P.C to have been committed by the accused persons named therein, the F.I.R has been registered only for few of those offences. He further submits that as yet the Investigating Officer has not completed the investigation and that is awaited by the Court which had forwarded the complaint filed by the petitioner under section 156 (3) of the Criminal Procedure Code.

5. Learned counsel for the State submits that the investigation since is in progress, it is premature a stage to comment as to whether other offences as indicated in the complaint would not be placed in the charge sheet if materials in course of investigation come to surface in the direction of commission of said offences. He submits that from this fact of non-mention of all the offences which have been stated in the complaint, the Investigating Officer cannot be said to have been improperly proceeding with the investigation.

6. Considering the submissions made and on going through the averments taken in the petition as well as the documents annexed thereto; at this stage, this Court is not inclined to entertain the application with the prayer, as has been advanced. However, it is observed that the Investigating Officer will do well to proceed with the investigation with expediency so as to complete the same early.

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

(D. Dash),
Judge.