

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.394 of 2021

Liku @ Sidharatha Sankar Sahoo* *Petitioner

Mr. P.K. Sahoo, Advocate

-versus-

State of Odisha and another* *Opposite Parties

Mr. S.K. Mishra, ASC

**CORAM:
JUSTICE S.K. PANIGRAHI**

**ORDER
12.01.2022**

Order No.

- 04.
1. The matter is taken up through video conferencing mode.
 2. This is an application under Section 102 of the Juvenile Justice (Care and Protection of Children) Act.
 3. In this criminal revision, the petitioner-Child in Conflict with Law (CCL) seeks to quash the order dated 06.07.2021 passed by the Principal Magistrate, Juvenile Justice Board), Dhenkanal in Juvenile Case No.37 of 2021 so also the order dated 04.09.2021 passed by the learned Addl. District and Sessions Judge-cum-P.O. Children's Court, Dhenkanal in Juvenile Criminal Appeal No.01/2021.

4. The petitioner is facing trial for the alleged commission of offence under Sections 147, 148, 341, 294, 506, 302/149 of the IPC read with Sections 25 and 27 of the Arms Act and Sections 3(1)(r), 3(1)(s), 3(2)(v), 3(2) (va) of the SC and ST (P.A. Act).

5. The facts of the case as alleged, while the elder brother of the informant Tofan Patra along with one Rinku Patra was returning from Market in his bike, near Sarangadhar Stadium, the CCL along with other accused persons abused them in slang language aspersing their caste by forming a gang and also threatened to kill the son of Rabi Pana. During that time, one of the co-accused fired to Tofan Patra. Thereby, he fell down with pool of bloods. The other victim Rinku Patra escaped from the spot and intimated some local persons, who shifted him to the Sub-Divisional Hospital, Kamakhyanagar.

6. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the alleged crime. He further submits that there is no overt act attributed against the petitioner. Therefore, the criminal revision may be allowed.

7. The social investigation report, which is perused by the learned counsel for the State, reveals that the petitioner has criminal background and in connivance with other accused persons committed murder of the deceased-Tofan Patra. There is less likelihood of remaining aloof without contact with other co-accused or bad company. Further, the CCL is quite aggressive in nature. The CCL is also quite aware about the

consequence of the alleged offence. The allegation is serious in nature and if he is released on bail, he will commit similar offence in association with his friends.

8. Considering the aforesaid submissions, the gravity of the offence and the interest of State and society, I am not inclined to release him bail. Accordingly, the criminal revision is rejected.

9. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

pcd