

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13476 of 2022

Asim Kumar Haldar

....

Petitioner

Mr. A. Das, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

19.10.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. It is submitted by learned counsel for the petitioner that the present petitioner is not named in the F.I.R. Further, it is submitted by learned counsel for the petitioner that the petitioner is the closed friend of the in-laws family of the victim daughter-in-law and as a result of such close relationship, he is apprehending arrest in connection with an F.I.R. likely to be lodged by the daughter-in-law. Further, it is submitted by learned counsel for the petitioner that the petitioner is a Government employee for which there is a risk to his service. In the Court of false implication and arrested in connection with the case likely to be registered.
3. Considering such submission and the fact that the case has not yet been lodged and that there is no apprehension of arrest, this Court is of the opinion that in the event such case an F.I.R. is

registered by the police, the mandatory procedure under Section 41-A of the Code of Criminal Procedure is required to be followed by the Arresting Officer as has been directed in the case of *Arnesh Kumar vrs. State Bihar and another* : reported in (2014) 8 SCC 273.

4. In such view of the matter, the ABLAPL is not maintainable and accordingly, the same is dismissed.

5. However, in the event the petitioner is implicated in this case, the Arresting Officer is directed to comply the mandatory procedure as provided under Section 41-A of the Cr.P.C., the same is applicable to the facts of the case likely to be lodged.

Jagabandhu

