

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No. 3047 of 2022

1. Ansuman Patnaik **Petitioners**
2. Ardhendu Bikash Patnaik
3. Minati Patnaik

Mr. Amitav Tripathy, Advocate

Versus

1. State of Odisha **Opposite Parties**
2. Smt. Rashmita Singh

Ms. Saswata Pattnayak, Advocate

CORAM:

JUSTICE SAVITRI RATHO

ORDER

09.11.2022

Order No.

01.

(Through hybrid mode)

1. This application under Section 482 Cr.P.C. has been filed by the petitioner challenging the order dated 05.10.2021 passed by the learned S.D.J.M., Anandapur in G.R. Case No. 169 of 2021 arising out of Anandapur P.S. Case No. 148 of 2021 taking cognizance of offences under Sections 498(A)/ 313/ 494/ 109/ 34 of IPC.

2. Mr. Amitav Tripathy, learned counsel for the petitioners submits that the materials in the case diary are not sufficient to make out the offence punishable under Section 313 of the IPC against the petitioners in as much as though the Medical Officer had asked the I.O. to send a proper proforma for medical examination of the private parts of the victim but without doing so, chargesheet has been submitted hastily for commission of the said offence and the learned Magistrate has also taken cognizance for commission of offences under Section 313 of the I.P.C. along with the other Sections in the absence of supporting incriminating materials.

3. At this juncture, in view of the nature of allegations, it would not be proper to carry out a threadbare examination of the materials on record to decide if the said offences are made out against the petitioners. But considering the submission of the learned counsel, this application is disposed of granting liberty to the petitioners to raise all these contentions along with any other contentions at the time of framing of charge which shall be considered by the learned trial court in accordance with law.

4. With the aforesaid observation, the CRLMC is disposed of.

5. Urgent certified copy of this order be granted on proper application.

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