

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3350 of 2022

Gangadhar Jena

.... **Petitioner**
Mr. A.R.Panda, Advocate

-Versus-

State of Odisha

.... **Opposite Party**
Mr.Tapas Kumar Praharaj, SC

CORAM:
JUSTICE R.K.PATTANAIK

Order No.

ORDER
18.11.2022

02.

1. Heard learned counsel for the petitioner and Mr. Praharaj, learned counsel for the State.

2. In the present case, the challenge is as to the entire criminal proceeding relating to Soro P.S. Case No. 491 of 2021 corresponding to C.T. Case NO. 1051 of 2021 pending before the court of learned JMFC, Soro on the grounds stated therein.

3. Learned counsel for the petitioner submits that the petitioner is the husband of the deceased and he was not present at the time of alleged death of the victim but he has been entangled along with other accused persons and while claiming so, the statements of the witnesses recording under Section 161 Cr.P.C. are referred to.

4. In fact, later to the lodging of the report, Soro P.S. Case No. 491 of 2021 was registered under Section 304-B and 302 IPC besides other offences including Section 4 of D.P.Act was registered

and finally it led to the submission of chargesheet under the alleged offences.

5. Mr. Praharaj, learned counsel for the State submits that there is material on record vis-à-vis the petitioner, who happens to be the husband of the victim and therefore, no justifiable ground is made out for interference.

6. Having perused the statements of the witnesses under Section 161 Cr.P.C. and considering the nature of allegations as revealed from the F.I.R. besides materials submitted along with the chargesheet i.e. Annexure-2, the Court is not inclined to interfere with the criminal proceeding as there is no ground made out for the same.

7. However, in course of hearing, Mr. Panda learned counsel for the petitioner submits that at least the Court if not inclined to quash the proceeding should direct the petitioner to surrender before the learned court below with liberty to apply for bail to be considered by the court, as well as in the event of rejection by the Sessions court on the very same day, which would serve the purpose for the present.

8. Considering the above limited prayer, CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned JMFC, Soro on or before 9th December, 2022 in connection with C.T. Case No. 1051 of 2021 corresponding to Soro P.S. Case No. 491 of 2021 and in the event he surrenders and applies for bail, the learned court below shall do well to pass orders and in case of rejection, he shall have liberty to approach the Sessions court on the same day during 2nd hour and renew the prayer for bail which shall be considered as per and in accordance

with law and in order to facilitate prompt hearing by the higher forum, the lower court records are to be transmitted from the court of learned JMFC, Soro in course of the day subject to cost being borne by the petitioner.

(R.K. Pattanaik)
Judge

