

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3392 of 2022

Dinabandhu Dehury

....

Petitioner

Ms. S. Dash, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.S. Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

24.11.2022

Order No.

01.

1. Heard Ms.S. Dash, learned counsel for the petitioner and Mr. S.S. Mohapatra, learned Additional Standing Counsel for the State.

2. The present challenge is as to the criminal proceeding initiated against the petitioner under Section 2(b)C.C. Case No.10 of 2020 (arising out of O.R. Case No.3^{PS} 2020-2021) pending in the court of learned S.D.J.M., Angul on the grounds that there is no materials against the petitioner as the offence alleged by the principal accused.

3. Ms.S. Dash, learned counsel for the petitioner with reference to the office report at Annexure-1 claims that petitioner was transporting 2 nos. of green teak log from Niteidarha area of Satkosia Gorge Sanctuary Forest and Satkosia Tiger Reserve, which was at the instance of the principal accused. It is further submitted that in fact on the confessional statement of the principal accused, petitioner has been implicated.

4. Mr. Mohapatra, learned ASC for State submits that there is material prima facie on record to suggest that petitioner along with accused person was transporting green teak log from the forest reserve.

5. Considering the offence report and the connected materials, the Court is of the view that it is a fit case where inherent jurisdiction should be exercised to quash the proceeding. The claim of involvement of the petitioner and non-participation of the petitioner which is being pleaded at present has to be examined by the court below during and in course of enquiry and trial. In other words, the claim is factual which needs to be examined by the trial court. Therefore, the Court is of the view that criminal proceeding against the petitioner cannot be quashed at this point of time.

6. Mr. Mohapatra, learned ASC for the State submits that all the grounds which has been raised at present may be allowed to be taken up to be considered before the learned court below at the time of discharge. Therefore, a direction may be issued to the petitioner to surrender before the learned court below as NBWA has been issued against the petitioner.

7. Having regard to the facts and circumstances of the case, this Court is of the view that petitioner should be granted liberty and also directed to surrender before the learned court in 2(b)CC No.10 of 2020 and allowed to go on bail with conditions which would serve the purpose.

8. Accordingly, it is ordered.

9. Consequently, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned S.D.J.M., Angul on or before 15th December, 2022 in 2(b) C.C. No.10 of 2020, in such event, the court below shall consider the same as per and in accordance with law and he shall be released on bail subject to conditions. Further, the petitioner is granted liberty to raise all

the grounds available to him in law by filing application for discharge and in such event so moved, learned court below shall also do well and pass appropriate order in accordance with law

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

(R.K. Pattanaik)
Judge

U.K.Sahoo

