

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3448 of 2022

Debabrata Behera

....

Petitioner

Mr. Akshaya Kumar Sahoo, Advocate

-Versus-

State of Orissa

....

Opposite Party

Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
19.12.2022

Order No.

- 02.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner challenging the impugned order of cognizance dated 16th October, 2020 passed by the learned S.D.J.M., Phulbani in C.T. Case No.239 of 2020 on the grounds stated therein.
 3. Mr. A.K. Sahoo, learned counsel for the petitioner submits that no case is made out against the petitioner under Section 493 IPC is concerned which has been alleged on the strength of the victim's version at the time of her medical examination. As such, no material has been collected and hence the learned court below could have taken cognizance of the said offence filed under Annexure-2.

4. Mr. Praharaj, learned counsel for the State justifies the impugned order dated 16th October, 2020 on the ground that it is absolutely as per and in accordance with law considering the nature of allegation made out in the FIR under Annexure-1.

5. In course of hearing, Mr Sahoo, learned counsel for the petitioner submits that if the Court is not inclined to quash the impugned order, the petitioner should be granted liberty to raise such grounds which have now been raised at the time of framing of charge which would serve the purpose and meet the ends of justice.

6. Considering the above circumstances, this Court disposes of the CRLMC with liberty granted to the petitioner to raise all such grounds as are available to him under law at the time of framing of charge and in the event any such application so moved by him, the court below shall consider the same and pass appropriate order thereon as per and in accordance with law in connection with C.T. Case No.239 of 2020.

7. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo