

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3517 of 2022

Basudev Sethi @ Sagar and Others

Petitioners

Ms. B. Mishra, Advocate

-Versus-

State of Odisha

.... Opposite Party

Mr. S.S. Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER
29.11.2022

Order
No.

01.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Prayer in the present case is to quash the criminal proceeding in connection with C.T. Case No.427 of 2022 corresponding to Jaleswar P.S. Case No.382 of 2022 pending in the file of learned J.M.F.C., Jaleswar on the grounds stated therein.
3. Ms. Mishra, learned counsel for the petitioners submits that there has been no negligence or any latches on the part of the petitioners to contribute to the alleged incident during which a container collided with another vehicle and under the above circumstances, notwithstanding the alleged report and registration of Jaleswar P.S. Case No.382 dated 13th October, 2022, the criminal proceeding which has been initiated against them should be quashed in the interest of justice, which is objected to by learned counsel for the State on the ground that the investigation is still underway and it would be too premature to hold any view vis-a-vis negligence on the part of the petitioners.

4. The Court is not inclined to exercise inherent jurisdiction to quash the proceeding considering the nature of allegations and the circumstances leading to the alleged incident so described in the FIR, a copy of which is at Annexure-1. At this juncture, Ms. Mishra, learned counsel for the petitioners submits that if the Court is not inclined to quash the criminal proceeding, at least the petitioners should be directed to appear and allowed to be released on bail which would serve the purpose for the present.

5. Considering the above limited prayer, CRLMC stands disposed of with a direction to the petitioners to appear before the learned J.M.F.C., Jaleswar on or before 16th December, 2022 in connection with C.T. Case No.427 of 2022 corresponding to Jaleswar P.S. Case No.382 of 2022 and in the event they surrender within the stipulated time and apply for release, the court below shall grant them bail subject to conditions as deemed just and proper.

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

(R.K. Pattanaik)
Judge