

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2304 of 2021

Chakradhar Rout and Ors. ***Petitioners***

Mr. Pradeepta Kumar Swain, Adv.

-versus-

State of Odisha and Anr. ***Opposite Parties***

Mr. Karunakar Gaya, ASC
(for O.P. No.1)

CORAM:
JUSTICE S.K. PANIGRAHI

ORDER
19.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for the Petitioners and learned counsel for the State.
3. In this CRLMC, the petitioners have made a prayer to quash the impugned order dated 06.04.2021 passed in G.R. Case No.436 of 2020, arising out of Banki P.S. Case No.313 of 2020, by the learned S.D.J.M., Banki taking cognizance of offences under Section 341/ 294/ 323/ 325/ 506/ 307/ 34 of the I.P.C. against them.
4. Allegations against the petitioners made by the informant in the F.I.R. are that on 17.11.2020 at about 8.00 AM when the informant had gone to the field, his wife asked the petitioners to return back Rs.20,000/- which the petitioner no.2 had borrowed from the informant's wife. But instead of repaying the same, all the petitioners assaulted the informant's wife by means of a stick causing fracture to both the hands. After returning from the field, when the informant asked the petitioners about the incident, they also assaulted him with a stick causing head

injury. The petitioners also abused the informant's wife and threatened with dire consequences.

5. After receipt of the said F.I.R., the I.I.C., Banki Police Station, Banki registered a case under Sections 341/ 294/ 323/ 325/ 506/ 34 of the I.P.C. and took up investigation of the case. After completion of investigation, he submitted charge sheet on 06.04.2021 wherein the offences were upgraded under Sections 341/ 294/ 323/ 325/ 506/ 307/ 34 of the I.P.C. On the same day, the learned S.D.J.M., Bank took cognizance of the offences under Sections 341/ 294/ 323/ 325/ 506/ 307/ 34 of the I.P.C. against the petitioners.

6. Learned counsel for the petitioners submits that the petitioners were granted pre-arrest bail in ABLAPL No.15950 of 2020 before the offences were upgraded.

7. Since the charge-sheet has been submitted and the offences have been upgraded, the petitioners have to approach the appropriate court for seeking bail. Rather, in a mechanical manner, they have moved this Court for quashing of the impugned order taking cognizance against them. Hence, this Court is not inclined to interfere with the impugned order passed by the trial court.

8. However, the petitioners are granted liberty to approach the appropriate forum for seeking relief.

9. With the above observations, this CRLMC is disposed of.

10. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate

concerned with his/her seal, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 and Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

BJ

