

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2314 of 2021

Smt. Basanti Nayak

.... ***Petitioner***
Mr. S.C.Padhi, Advocate

Versus

State of Odisha and others

.... ***Opp. Parties***

Mr.P.K.Mohanty, ASC

CORAM:
JUSTICE SAVITRI RATHO

Order No.

ORDER
11.02.2022

02.

This matter is taken up through hybrid mode.

Heard learned counsel for the petitioner and Mr. P.K.Mohanty, learned Addl. Standing Counsel for the State.

The grievance of the petitioner in this CRLMC is that though allegation in the F.I.R. has been made against one Braja Mohan Barik, but Braja Mohan Barik has not been charge sheeted for which he has filed an application under Section 319 of Cr.P.C. before the learned J.M.F.C., Soro with a prayer to issue process against opp. party No.3 along with other charge sheeted accused persons.

It appears that the application under Section 319 of Cr.P.C. has rightly not been accepted by the learned court below considering the fact that the stage for filing of such application has not arisen.

Hence, I find no merit in this CRLMC and the same is accordingly dismissed. However, liberty is given to the petitioner to file an application under Section 319 Cr.P.C. before the learned court

below, if she so advised at the proper stage of trial, which shall be considered in accordance with law.

Urgent certified copy of this order be granted on proper application.

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(Savitri Ratho)
Judge

Bichi

