

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1814 of 2020

Ajit Kumar Dwibedi

....
Mr. Soura Chandra Mohapatra,
Senior Advocate

-Versus-

State of Odisha

....
Mr. Tapas Kumar Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
02.11.2022

Order No.

- 04.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. In the instant case, the challenge is as to the criminal proceeding in G.R. Case No.1805 of 2014 arising out of Town P.S. Case No.270 of 2014 pending in the file of learned S.D.J.M., Sambalpur on the grounds stated therein.
 3. Perused copy of the FIR as at Annexure-1 and the impugned order which is at Annexure-2.
 4. In fact, on a report being lodged, Town P.S. Case No.270 of 2014 was registered under Sections 3 of OPG Act and thereafter, the investigation was commenced.
 5. Mr. Mohapatra, learned Senior Advocate for the petitioner submits that though investigation has been concluded and chargesheet is filed, but there is no order of cognizance and the proceeding is pending idle since the year 2014 without any progress which violates fundamental right of the petitioner guaranteed under Article 21 of the Constitution of India for a speedy trial and that apart, the limitation for taking has also expired and hence, the proceeding should be quashed in the interest of justice.

6. On the last occasion Mr. Praharaj, learned counsel for the State was requested to obtain instruction as to the present status of the case. Today, it has been informed to the Court that the chargesheet has already been filed on 31st October, 2014.

7. Mr. Mohapatra, learned Senior Advocate for the petitioner submits that due to inordinate delay, the court below cannot take cognizance. It is contended that even though chargesheet was filed since the year 2014 but cognizance has not been taken as yet which is also barred by limitation and on such ground, the criminal proceeding should not be allowed to continue and that too when the offence under Section 3 of OPG Act prescribes a meagre sentence punishable with imprisonment which may extend to one month or with fine of one hundred rupees or with both.

8. Also considering the order sheets of the learned court below as at Annexure-2, this Court finds that no cognizance of the offence has been taken by the learned S.D.J.M.(S), Sambalpur.

9. Having regard to the above facts and submissions of the learned counsel for the respective parties, this Court is inclined to exercise its inherent jurisdiction under Section 482 to quash the proceeding on account of delay as the court below is yet to take cognizance of the offence which in any case would be barred in view of Section 368 Cr.P.C.

10. In such view of the matter, the CRLMC stands allowed.

11. Consequently, the criminal proceeding in connection with G.R. Case No.1805 of 2014 arising out of Town P.S. Case No.270 of 2014 pending in the file of learned S.D.J.M., Sambalpur is hereby quashed.

12. Urgent copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge