

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2368 of 2021

Kamadev Malik & Ors. ***Petitioners***

Mr. Pramoda Kumar Mishra, Adv.

-versus-

State of Odisha

....

Opposite Party

Mr. Sibani Shankar Pradhan, AGA

CORAM:

MR. JUSTICE S.K. PANIGRAHI

ORDER

28.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for the petitioners and learned Additional Government Advocate for the State.
3. The petitioners have filed this CRLMC with a prayer to quash the criminal proceeding initiated against them in S.T. No.39 of 2016, corresponding to G.R. Case No.46 of 2015, arising out of Pattamundai P.S. Case No.46 of 2015, registered for commission of offences under Section 147/ 148/ 341/ 323/ 324/ 307/ 427/ 506/ 149 of the I.P.C., pending in the court of the learned Asst. Sessions Judge, Pattamundai.
4. Learned counsel for the petitioner submits that in this case the charge has been framed. He further submits that the informant, in this case, has been examined as P.W.5 and during course of cross-examination, she could not state the exact date of occurrence as well as the contents of the F.I.R. inasmuch as she had heard about the incident from her husband. The other prosecution witnesses i.e. P.Ws.2, 3, 4, 10, 11 and 12 have also denied the alleged incident as per the F.I.R. Therefore, he

submits that the aforesaid criminal proceeding initiated against the petitioners may be quashed.

5. On the other hand, learned Additional Government Advocate for the State submits that except the Investigating Officer, all the prosecutions witnesses have already been examined in this case. Hence, at this stage, the prayer for quashing of the proceeding may not be entertained.

6. Having heard from both sides and on perusal of material on record, there appears no ground to interfere with the criminal proceeding at this stage, as the case is at the fag end of trial and the quashing of proceeding at this stage shall abuse the process of law.

7. Hence, this CRLMC stands dismissed.

8. 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