

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3591 of 2022

Suresh Kumar Tandi

....

Petitioner

Mr. Jnyanananda Panda, Advocate

-Versus-

State of Orissa

....

Opposite Party

Mr. T.K. Praharaj, S.C.

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

12.12.2022

Order No.

02.

1. Learned counsel for the petitioner is permitted to carry out necessary correction in the prayer portion of the petition in the Court itself.
2. Heard Mr. J. Panda, learned counsel for the petitioner and learned counsel for the State.
3. The challenge is to the criminal proceeding in C.T. Case No.974 of 2021 arising out of Bhawanipatna Sadar P.S. Case No.325 of 2021 pending in the court of learned S.D.J.M., Bhawanipatna on the grounds stated therein.
4. Mr. Panda, learned counsel for the petitioner submits that the informant, namely, BEO, Lanjigarh lodged the FIR on information received from a third party to the effect that no such candidate in the name of Suresh Kumar Tandi, son of Jadaba Tandi bearing Roll No.192A045 & Registration No.27633/99 passed out B.Ed. examination in the year 2001. It is submitted that the petitioner was informed to cause production of the B.Ed. certificate

which could not be furnished and immediately after that, he was terminated from service and FIR was lodged. It is informed to the Court that against the order of termination, the petitioner has filed W.P.(C) No.41625 of 2021, which is pending disposal and under the above circumstances without proper enquiry, lodging of the report with the local police was unjustified and therefore, the criminal proceeding should be quashed in the interest of justice and if the Court is not inclined to terminate the proceeding, he should at least be directed to surrender before the learned court below so as to enable him to defend his case.

5. Mr.Praharaj, learned counsel for the State submits that a prima facie case against the petitioner is made out and since he could not produce B.Ed. certificate as directed by the BEO, Lanjigarh, the proceeding initiated against him cannot be said to have been unjustified and uncalled for and hence, no interference is warranted.

6. Considering the copy of the FIR at Annexure-1 and the allegations made therein notwithstanding the claim that the petitioner was allowed only three days time for production of original B.Ed. certificate and the order of termination is challenged in W.P.(C) No.41625 of 2021, no case is made out for interference by this Court to quash the criminal proceeding. Since petitioner is out of service by order of termination, this Court is of the view that he should however be directed to surrender before the learned court below in C.T. Case No.974 of 2021 subject to conditions.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned S.D.J.M., Bhawanipatna on or before 23rd December, 2022 in C.T. Case No.974 of 2021 arising out of Bhawanipatna Sadar P.S. Case

No.325 of 2021 and in the event he surrenders, the court below shall release him on bail subject to conditions.

9. Issue urgent certified copy of this order on proper application.

(R.K. Pattanaik)
Judge

U.K.Sahoo

