

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMC No. 2396 OF 2021**

***Ramakanta Kabi***

***..... Petitioner  
Mr. S.R. Mohapatra, Adv.***

***-versus-***

***State of Odisha***

***..... Opposite Party  
Mr. D. Mund, AGA***

**CORAM:  
JUSTICE V. NARASINGH**

**ORDER  
18.04.2022**

**Order No.**

04.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. Learned counsel for the petitioner seeks permission to withdraw this present CRLMC with liberty to move the appropriate Court at the time of framing of Charge, putting fourth his grievance that on accepting the F.I.R. at its face value, no case under Section-409 of the I.P.C is made out.
4. It is made clear that, if such a contention is advanced, the learned Court shall examine the same independently without being influenced by the present order and shall duly take into account the submission of the learned counsel for the petitioner that, since admittedly the licensee is dead, his

actions does not come within the purview of the ingredients of Section-409 of the IPC.

5. Granting such liberty, the present CRLMC stands disposed of.

*Balaram*

*( V.Narasingh )  
Judge*

