

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3626 of 2022

Narendra Sahoo

....  
Mr. S.K. Panda, Advocate

**Petitioner**

-Versus-

State of Odisha and Others

....  
Mr. S.S. Mohapatra, ASC

**Opposite Parties**

**CORAM:**  
**MR. JUSTICE R.K. PATTANAİK**

**ORDER**  
**28.11.2022**

Order  
No.  
01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Prayer in the present case is for exemption from personal appearance of the petitioner in connection with G.R. Case No.2482 of 2022 corresponding to Gopalpur P.S. Case No.207 of 2022 pending in the file of learned S.D.J.M., Berhampur.
3. A copy of the impugned order is at Annexure-3.
4. It is submitted by the learned counsel for the petitioner that the investigation is still underway. In such view of the matter, filing of application under Section 205 Cr.P.C. does not arise at all, inasmuch as, the stage is not ripe for the same.
5. The FIR is lodged on 13<sup>th</sup> October, 2022.
6. In view of the above, the prayer is misplaced.

7. However, learned counsel for the petitioner submits that petitioner No.1 is the husband of opposite party No.2, whereas, petitioner Nos.2 and 3 are the parents of petitioner No.1 and all of them have been entangled in the case. It is further submitted that the allegation by opposite party No.2 is entirely directed against petitioner No.1. As per the learned counsel for the petitioner, at least, there is need of compliance of Section 41(A) Cr.P.C as the maximum sentence for the offence under Section 498-A and other allied offences is seven years of imprisonment and with that observation, the CRLMC may be disposed of which is again objected to by Mr. Mohapatra, learned counsel for the State.

8. Considering the above facts and submissions of the learned counsel for the respective parties, the CRLMC stands disposed of with an observation that the local police need to ensure compliance of Section 41(A) Cr.P.C vis-a-vis the petitioners having regard to the fact that the case is registered under Sections 498-A, 294, 323 read with 34 IPC.

9. Urgent certified copy of this order be granted as per rules.

**(R.K. Pattanaik)**  
**Judge**