

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3630 of 2022

Hariom Jindal & Others

....

Petitioners

Mr. Satya Narayan Mishra-4, Advocate

-Versus-

The State of Odisha

....

Opposite Party

Mr. Sitikanta Mishra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

07.12.2022

Order No.

01.

1. Heard Mr. S.N. Mishra-4, learned counsel for the petitioners and Mr. Sitikanta Mishra, learned ASC for State.

2. The challenge is as to the order of cognizance dated 1st February, 2020 passed by the learned J.M.F.C., Sinapali in C.T. Case No.139 of 2019 arising out of Sinapali P.S. Case No.142 of 2019 on the grounds stated therein.

3. A copy of the FIR under Annexure-1 is perused by this Court.

4. Learned counsel for the petitioners submits that the petitioners have been chargesheeted under Section 307 IPC and other allied offences notwithstanding the fact that the injuries are simple in nature. However, learned counsel for the petitioners does not want to press the matter on merit and submits that at least the petitioners may be directed to surrender before the learned court below with liberty granted to them to raise the grounds at the time of framing of charge.

5. Mr. Mishra, learned counsel for the State prays for passing of appropriate orders on such a prayer.

6. Copy of the chargesheet under Annexure-3 is perused by this Court wherein the learned Single Judge refers to Annexure-5 which is the medical examination report. The injuries found on the body of the injured were found to be simple in nature though to be incised wounds. Without expressing anything on merits, the Court is of the view that the petitioners should be allowed liberty to raise such a ground at the time of framing of charge as has been prayed for.

7. Accordingly, it is ordered.

8. Consequently, the CRLMC stands disposed of with liberty to the petitioners to raise any such ground as is/are available to them in law in C.T. No.139 of 2019 in the event of commitment of the case to the court of Sessions and if such an application is so made, the concerned court shall consider the same and pass appropriate orders thereon as per and in accordance with law. It is further directed that the petitioners to surrender before the learned J.M.F.C., Sinapali on or before 22.12.2022 in C.T. Case No.139 of 2019 arising out of Sinapali P.S. Case No.142 of 2019 and in the event they surrender, the court shall release them on bail on such terms and conditions as would be deemed fit and proper in the facts and circumstances of the case.

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

(R.K. Pattanaik)
Judge