

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3769 of 2022

Niranjan Jani

....

Petitioner

Mr. Sanjib Kumar Bhanjadeo, Advocate

-Versus-

State of Orissa

....

Opposite Party

Mr. S.S. Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER
12.12.2022

Order No.

01.

1. Heard learned counsel for the respective parties.
2. Petitioner in the present case prays to quash the criminal proceeding in connection with Khallikote P.S. Case No.7 of 2022 corresponding to G.R. Case No.13 of 2022 pending in the file of learned J.M.F.C. Khallikote on the grounds stated therein.
3. Copy of the FIR as at Annexure-1 indicates that on the written report of the informant, Khallikote P.S. Case No.7 of 2022 was registered for commission of offences under Sections 420, 468 and 471 IPC with the allegation that the petitioner, who was working as Assistant Teacher in Paladhuapalli Govt. UPS had produced a fake Madhyama certificate at the time of his appointment as Sikhya Sahayak on 11th March, 2005, pursuant to which, the Block Education Officer, Khallikote, Ganjam lodged the FIR against him.
4. According to Mr. Bhanjadeo, learned counsel for the petitioner, investigation is on but the chargesheet has not yet been filed in the case, however, on the prayer of the I.O., the order of

NBWA has been passed against the petitioner which is now pending execution.

5. Mr. Mohapatra, learned counsel for the State on the other hand submits that considering the FIR and the allegations therein, prima facie case is made out against the petitioner and therefore, no interference is warranted.

6. Learned counsel for the petitioner submits that since the petitioner has been removed from service in the meantime after the above allegation but chargesheet is not yet filed and since the Court is not inclined to quash the criminal proceeding, at least he may be directed to surrender before the learned court below and released on bail on any terms and conditions.

7. Considering the above submission, the Court is of the view that though no case is made out to quash the criminal proceeding, however, the petitioner should be directed to surrender before the court below and released on bail in G.R. Case No.13 of 2022.

8. Accordingly, it is ordered.

9. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned J.M.F.C. Khallikote on or before 23rd December, 2022 in G.R. Case No.13 of 2022 arising out of Khallikote P.S. Case No.7 of 2022 and in the event he surrenders, the court below shall release him on bail with conditions as deem just and proper.

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

(R.K. Pattanaik)
Judge