

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3770 of 2022

Bansidhar Choudhury

....

Petitioner

Mr. Sanjib Kumar Bhanjadeo, Advocate

-Versus-

State of Orissa

....

Opposite Party

Mr. Tapas Kumar Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

13.12.2022

Order No.

01.

1. Heard learned counsel for the respective parties.
2. Instant petition under Section 482 Cr.P.C. is filed at the behest of the petitioner for quashing of the order of cognizance dated 29th November, 2021 passed by the learned J.M.F.C., Soro in C.T. Case No.838 of 2015 arising out of Soro P.S. Case No.430 of 2015 on the grounds stated therein.
3. Perused the copy of the FIR at Annexure-1.
4. Learned counsel for the petitioner submits that no offence under Section 409 IPC is made out against the petitioner, who has retired from service as Secretary RCMS, Balasore under the ICDS project of the Government in the Balasore district. It is further submitted that if at all any such offence is committed, it is at the behest of the dealer not by the petitioner but then the FIR was lodged against the petitioner under Section 409 IPC and thereafter chargesheet has been filed, which is not sustainable in law.

5. Mr. Praharaj, learned counsel for the State submits that prima facie case is made out against the petitioner, hence, it calls for no interference.

6. At this juncture, learned counsel for the petitioner submits that since chargesheet has been filed against the petitioner, liberty may be granted to the petitioner to surrender before the learned court below, if the Court is not inclined to quash the proceeding under Annexure-2 series, which would serve the purpose.

7. Considering the above prayer, the Court is of the view that no case is made out by the petitioner for quashing of the criminal proceeding but in the facts and circumstances of the case, he should be granted liberty to surrender before the learned court below on such terms and conditions as would be fixed by the learned court below.

8. Accordingly, it is ordered.

9. Consequently, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned J.M.F.C., Soro on or before 22nd December, 2022 in C.T. Case No.838 of 2015 arising out of Soro P.S. Case No.430 of 2015 and in the event of surrender, learned court below shall release him on bail on such terms as would deemed fit and proper.

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

(R.K. Pattanaik)
Judge