

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMP No.2514 of 2022

Jyotshna Das

....

Petitioner

Mr. P.C. Dash, Advocate.

-versus-

State of Odisha & others

....

Opp. Parties

Mr. D. Mund

Additional Government Advocate.

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order

No.

ORDER

22.12.2022

01. 1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. In this CRLMP, the petitioner challenges the action of the opposite party no.3 (I.I.C., Talchua Marine Police Station) in not submitting the charge sheet for commission of offences under Sections 498-A/323/379/34 of the I.P.C. and other offences against all the accused persons against whom, there is existence of prima facie case under the same offences in respect of Talchua Marine P.S. Case No.133 of 2022 pending in the court of learned J.M.F.C., Rajnagar.

4. Learned counsel for the petitioner submits that now the case is pending in the court of the learned J.M.F.C., Rajnagar. He further submits that without applying its judicial mind on the materials available on record mechanically took cognizance of the above offences though he/she is empowered to direct for further investigation under Section 173(8) of the Cr.P.C. as the investigation is not in proper direction.

5. Keeping in view the above facts and circumstances made, the I.I.C., Talchua Marine Police Station (opposite party no.3) is directed to reinvestigate Talchua Marine P.S. Case No.133 of 2022 and add the offence under the Indian Penal Code if it is prima facie made out and communicate it to the learned J.M.F.C., Rajnagar to look into the charges and consider the prayer for amending the Sections, if necessary, under which the F.I.R. has been registered. The said process will be completed within a period of one week from the date of receipt of certified copy of this order.

6. The CRLMP is accordingly disposed of.

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

(Dr. S.K. Panigrahi)
Judge