

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3871 of 2022

Silu @ Bibhuti Bhusan Sahoo and
Another

....

Petitioners

Mr. S. Das, 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 petitioners and learned counsel for the State.
2. Prayer in the present case is for quashing of the impugned order dated 10th March, 2022 passed in G.R. Case No.597 of 2021 arising out of STF P.S. Case No.20 of 2021 pending in the file of learned S.D.J.M., Dhenkanal on the grounds stated therein.
3. A copy of the FIR is at Annexure-2.
4. In fact, STF Case No.20 was registered under Sections 379 and 411 IPC besides other allied offences including Section 120-B IPC and thereafter, the petitioners and other accused persons stood chargesheeted under Annexure-3.
5. With a limited prayer, Mr. Das, learned counsel for the petitioners submits that all the other accused persons are on bail and notwithstanding the fact that the documents with regard to the ownership of the seized articles were produced before the I.O. it was not considered and consequently, the chargesheet was filed under Sections 379 and 411 IPC with the allegation that stolen

articles have been received and that apart, despite having no previous cases of similar nature or conviction vis-à-vis the petitioners, an offence under Section 413 IPC has been added and in the meantime, the learned court below even though has issued summons, a direction may be issued to the petitioners to surrender before the learned S.D.J.M., Dhenkanal and released on bail.

6. Mr. Praharaj, learned counsel for the State on the other hand submits that as per the FIR, a prima facie case is made out and hence, impugned order under Annexure-1 needs no interference.

7. The Court perused the FIR i.e. Annexure-2 and chargesheet under Annexure-3. The allegation is that the raiding party recovered some stolen items from the stock yard of petitioner No.1 having been received by him and accordingly, after completion of investigation, the chargesheet was filed under the alleged offences. The learned court below considering the materials on record took cognizance of the offences vides Annexure-1. Having regard to the fact that the investigation was concluded with a finding that stolen articles have been possessed by petitioner No.1 and as a result, chargesheet was filed against him and other accused persons, the Court is not inclined to interfere with the impugned order under Annexure-1 as prima facie case is shown to have been made out.

8. However, the considering the limited prayer of Mr. Das, learned counsel for the petitioners, this Court is of the view that since the other accused persons are released on bail and besides that petitioners were on interim protection by orders of this Court in ABLAPL Nos.6572 & 6584 of 2021, they should be directed to surrender before the learned court below and released on bail subject to conditions.

9. Accordingly, it is ordered.

10. In the result, the CRLMC stands disposed of with a direction to the petitioners to surrender before the learned S.D.J.M., Dhenkanal on or before 23rd December, 2022 in connection with G.R. Case No.597 of 2021 arising out of STF P.S. Case No.20 of 2021 and in the event they surrender within the time stipulated, the court shall release them on bail subject to conditions.

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

(R.K. Pattanaik)
Judge

TUDU

