

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMP No.2534 of 2022

Sukanti Hota

....

Petitioner

Mr. B. Pasayat, Advocate.

-versus-

State of Odisha & others

....

Opp. Parties

Mr. D. Mund

Additional Government Advocate.

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order

No.

ORDER

23.12.2022

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.4 (I.I.C., Balasore Sadar Police Station) in submitting the charge sheet for commission of offences under Sections 417/493 of the I.P.C. by deleting the offence under Section 376(1), I.P.C. against the accused persons against whom, there is existence of prima facie case under the same offences in respect of Balasore Sadar P.S. Case No.301 of 2020 pending in the court of learned S.D.J.M., Balasore.

4. Learned counsel for the petitioner submits that now the case is pending in the court of the learned S.D.J.M., Balasore. 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., Balasore Sadar Police Station (opposite party no.4) is directed to reinvestigate Balasore Sadar P.S. Case No.301 of 2020 and add the offence under the Indian Penal Code if it is prima facie made out and communicate it to the learned S.D.J.M., Balasore 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