

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2721 of 2021

Salu Mallik

....

Petitioner

Mr. Manoranjan Khatua, Adv.

-versus-

State of Odisha

....

Opposite Party

Mr. Sibani Shankar Pradhan, ASC

CORAM:

JUSTICE S.K. PANIGRAHI

ORDER

21.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. The petitioner has filed this CRLMC with a prayer to quash the impugned order dated 24.08.2021 passed by the learned J.M.F.C., Chandikhol in C.T. No.1702 of 2020, arising out of Jenapur P.S. Case No.395 of 2020 taking cognizance of the offences under Section 323/ 274/ 325/ 307/ 506/ 34 of the I.P.C. against him and seven others.
4. In this case, charge-sheet has been filed under Sections 341/ 323/ 294/ 325/ 307/ 506/ 34 of the I.P.C. against the petitioner and seven others. The learned J.M.F.C., Chandikhol taking into account the case diary, statement recorded under Section 161 of the Cr.P.C., injury report and other connected papers, has taken cognizance of the offences under Sections 323/ 274/ 325/ 307/ 506/ 34 of the I.P.C. against them.
5. Learned counsel for the petitioner brings to the notice of the court to the injury report which reflects that the injuries

sustained by the complainant/ injured are simple in nature. However, the injury report further reflects that the injuries were caused by blunt weapons.

6. In view of such facts, the matter requires thorough examination in the trial. Hence, this Court does not think it proper to break the trial at this stage. However, the petitioner is at liberty to raise the contentions raised in this petition at the time of framing of charge.

7. The CRLMC is disposed of, accordingly,

8. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 and Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge