

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2861 of 2021

Ajaya Kumar Nayak

.... *Petitioner*

Mr.B.S.Dasparida, Adv.

-versus-

State of Odisha & Anr.

.... *Opposite Parties*

Mr. K.Gaya, ASC

CORAM:

MR. JUSTICE S.K. PANIGRAHI

ORDER

28.01.2022

Order No.

01. 1. This matter is taken up by virtual mode.
2. Heard learned counsel for the parties.
3. The petitioner has filed this application challenging the order taking cognizance dated 24.02.2021 passed by the learned S.D.J.M., Bhadrak in G.R.Case Case No.553 of 2016 arising out of Bhadrak Town P.S. Case No.93 of 2016 for the offence under Sections 306/109/34 of the Indian Penal Code.
4. Learned counsel for the petitioner submits that an affidavit has been filed by the informant-father of the deceased stating therein that the petitioner does not have any role in the crime. It has also been reiterated in that affidavit that the deceased had a love affair with another person prior to her marriage and he was blackmailing her. Owing to this she committed.

5. Learned counsel for the State submits that all the averments made in the affidavit can be raised at the time of framing charges.

6. Considering the aforesaid submissions and the facts of the case, this Court is not inclined to quash the order of cognizance dated 24.02.2021 passed by the learned S.D.J.M., Bhadrak in G.R.Case Case No.553 of 2016 .

7. The CRLMC is accordingly dismissed.

8. However, learned counsel for the petitioner is at liberty to raise all the issues as made in this application, before the trial court at the time of framing charges.

9. 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 Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

LB