

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV No.2864 of 2021

Pravash Kumar Sahoo & another ***Petitioners***
Mr.Raj Bimal Das, Adv.

-versus-

State of Odisha ***Opposite Party***
Mr.M.K.Mohanty,ASC

CORAM:
MR. JUSTICE S.K. PANIGRAHI

ORDER
01.02.2022

Order No.

01. 1. This matter is taken up by virtual mode.
2. Heard learned counsel for the parties.
3. The petitioners have filed this application with a prayer to quash the F.I.R. dated 25.06.202013, charge sheet/final form dtd. 31.08.2014 vide Annexures 1 and 2 and the entire proceeding in C.T. Case No.142 of 2015 arising out of G.R. Case No.430 of 2013 pending on the file of learned Special Judge-cum-CBI-II, Bhubaneswar till disposal of the CRLMC.
4. As per the prosecution allegation, the petitioner No.1 had affair with the daughter of the informant but when the parents of the deceased proposed petitioner No.1 for marriage he denied. Rather, he threatened her over phone of uploading her objectionable pictures over social media. This instigated the deceased to commit suicide. It is also alleged that petitioner No.2 has assisted petitioner no.1 in commission of the crime.

5. Learned counsel for the petitioners submits that the allegations as made by the family members of the deceased are fabricated and concocted one. The Police has not detected or produced the call details indicating when and where the petitioner No.1 and another accused had telephoned to the deceased, her husband (P.W.2) and her in-law's family members. Not a single scrape of paper or any documents, except wearing apparel have been seized by the Police at the time of inquest of dead body of the deceased. So prima facie the ingredients of the offence under Section 306 of the Indian Penal Code are not made out. Hence they pray for quashing the entire proceeding along with F.I.R. and charge sheet.

6. Learned counsel for the State submits that as many as fifteen witnesses have been examined and the trial of the case is at the fag end. From the statements of the witnesses examined so far, it reveals that there are prima facie materials against the petitioners to make out a case under Section 306/34 of the Indian Penal Code.

7. On perusal of the case record and the materials available on it, it is found that the charge sheet has been rightly filed for the offence as alleged and cognizance has been taken thereon taken into account of the ingredients of the offence.

8. Accordingly, this Court is not inclined to quash the F.I.R. dated 25.06.202013, charge sheet/final form dtd. 31.08.2014 vide Annexures 1 and 2 and the entire proceeding in C.T. Case

No.142 of 2015 arising out of G.R. Case No.430 of 2013 filed against the petitioners.

9. The CRLMC is accordingly dismissed.

10. 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

