

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2964 of 2021

1. Deepak Kumar Behera
2. Panchanan Behera

.... **Petitioners**
Mr. M.R. Badajena, Advocate
Versus

State of Odisha

.... **Opp. Party**

Mr. P.K. Mohanty, ASC
(for O.P.No.1)

CORAM:
JUSTICE SAVITRI RATHO

ORDER

15.02.2022

Order No.

02.

This matter is taken up through hybrid mode.

Heard Mr. M.R. Badajena, learned counsel for the petitioners and Mr. P.K. Mohanty, learned Addl. Standing Counsel.

In this application under Section 482 Cr.P.C., the order dated 26.04.2021 passed by the learned J.M.F.C., Nimapara taking cognizance of offence under Sections 363, 366-A, 120-B of IPC against the petitioners has been challenged.

It is revealed from the impugned order that after perusing the entire case record, the learned court below found a prima facie case under Sections 363, 366-A of IPC to proceed against the petitioner No.1- Deepak Kumar Behera and also prima facie case under Sections 363, 366-A read with Section 120-B IPC against the accused person Panchanan Behera (petitioner No.2) and has taken cognizance of offences under Sections 363, 366-A and 120-B IPC.

Mr. Badajena, learned counsel for the petitioners draws the attention of the Court to the affidavit of the victim girl-Laxmipriya

Pradhan as well as copy of her Aadhar card which he has filed with a memo and submits that date of birth of the victim girl is 10.02.2003.

In her affidavit, the victim girl has inter alia stated that she is aged about 18 years and she is a major and that she has settled with her husband Deepak Kumar Behera and got pregnant more than 8 months as per the medical report and she is living with her husband happily and her husband will take care of her and there is no question of dispute with her husband and she is not interested to proceed with the court matter which is pending in the court of learned J.M.F.C., Nimapara in the district of Puri.

Considering the submissions, although I am not inclined to interfere with the order dated 26.04.2021 taking cognizance, the petitioners are permitted to move the learned court below for early commitment of the case.

The CRLMC is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

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(Savitri Ratho)
Judge

Bichi