

(2023) 09 OHC CK 0078
In the Orissa High Court
Case No : CRLMC No. 3772 Of 2023

Gyan Jyoti Mohapatra

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 12-09-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 307, 323, 341

Citation : (2023) 09 OHC CK 0078

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : S. Sethi, S.S. Pradhan

Final Decision : Disposed Of

Judgement

Savitri Ratho, J

1. This application under section 482 of the Code of Criminal Procedure has been filed by the petitioner for setting aside the proceeding in G.R. Case No. 459 of 2023 pending in the Court of the learned J.M.F.C.-1, Puri arising out of Baliapanda P.S. Case No. 104 of 2023 which has been registered under Sections 341, 323, 307, 34 of IPC against the petitioner and others.

2. Mr. S. Sethi, learned counsel for the petitioner submits that as the co-accused has been released on bail by the learned 2nd Addl. Sessions Judge, Puri in B.A. No. 174-807 of 2023 by order dated 16.08.2023, the petitioner does not want to press this application and wants to surrender in the Court of the learned J.M.F.C.-1, Puri and prays that a direction may be issued for releasing him on bail on the ground of parity.

3. Considering the submission of the learned counsel for the petitioner, this CRLMC is disposed of directing that if the petitioner surrenders before the learned J.M.F.C.-1, Puri in the aforesaid case on or before 27.09.2023 and files an application for bail, the same shall be disposed of on the same day on its own

merit in accordance with law. The plea of parity if raised shall be considered by the learned Court in accordance with law.

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

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