

(2023) 12 OHC CK 0050
In the Orissa High Court
Case No : Bail Application No. 12296 Of 2023

Pintu Sahoo

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 12-12-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 379, 395, 392, 399, 402, 457
Arms Act, 1959 — Section 25, 25(1B)(a), 27

Citation : (2023) 12 OHC CK 0050

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : Soumya Ranjan Das, S.S. Pradhan

Final Decision : Disposed Of

Judgement

Savitri Ratho, J

1. This application under Section 439 of Cr.P.C. has been filed in connection with Biramitrapur P.S. Case No. 139 of 2023 corresponding to G.R. Case No. 296 of 2023 pending in the court of the learned J.M.F.C., Biramitrapur under Sections 457 and 395 of IPC read with Section 25 of the Arms Act.

2. Letter of Inspector, Mr. A.K. Jena, TIC, Biramitrapur Police Station submitted with the carbon copy of the up-to-date case records and other related documents, indicates that on verification of the criminal antecedents of petitioner no.1-Pintu Sahoo, as per CCTNS data, nothing adverse was found against him except this case. Interestingly, S1.12 of the documents is a one note page of his criminal antecedents. But the said one note page of criminal antecedent has not been enclosed with the case diary. The letter indicates that 53 sheets have been provided but only 52 sheets have been provided in the case diary which has been submitted in the Office of the learned Advocate General.

3. The forwarding report of the accused persons available in the case diary indicates that the petitioner no.1-Pintu Sahoo has four criminal antecedents, namely, (1) Biramitrapur P.S. Case No. 136 of 2007 under Section 392 of IPC, (2) Biramitrapur P.S. Case No. 185 of 2017 under Section 379 of IPC, (3) Biramitrapur P.S. Case No. 124 of 2019 under Section 395 of IPC/25 & 27 of the Arms Act and (4) Lahunipara P.S. Case No. 194 of 2021 under Sections 399/402 of IPC / 25 (1-B) (a) of Arms Act and co-accused Rohit Tirkey has 4 other criminal antecedents.

4. In view of the report of TIC, Biramitrapurn Police Station, learned counsel for the petitioners is directed to file an affidavit regarding the criminal antecedents of the petitioners.

5. Mr. S.S. Pradhan, learned Additional Government Advocate is also directed to request the S.P. Sundargarh to ensure that correct information regarding the criminal antecedents of the petitioners, Pintu Sahoo, S/o- Ganesh Sahoo and Md. Tanweer Alam, S/-Late Md. Azad are supplied to him for placing before the Court.

6. List this matter on 21.12.2023. Defects pointed out by S.R. be removed in the meanwhile.

7. Copy of the order be supplied to Mr. S.S. Pradhan, learned Additional Government Advocate for transmission to the S.P., Sundargarh..

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