

(2021) 11 OHC CK 0112
In the Orissa High Court
Case No : CRLMP No. 2000 Of 2021

Prasanta Kumar Pradhan

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 17-11-2021

Acts Referred:

Code of Criminal Procedure, 1973 — Section 156(3)
Indian Penal Code, 1860 — Section 147, 148, 149, 294, 302, 506

Citation : (2021) 11 OHC CK 0112

Hon'ble Judges : Biswajit Mohanty, J

Bench : Single Bench

Advocate : S.P.Das, A.K.Nanda

Final Decision : Disposed Of

Judgement

Biswajit Mohanty, J.

Heard Mr. Das, learned counsel for the petitioner and Mr. Nanda, learned Additional Government Advocate through video conferencing mode.

According to Mr. Das, the petitioner who happens to be informant in Purushottampur P.S. Case No. 446 of 2021 registered for commission of offences under Sections 147, 148, 294, 506, 302 and 149 I.P.C. is aggrieved by the manner in which investigation is being conducted by the Investigating Officer.

Mr. Nanda relying on the decisions of the Supreme Court in the cases of Sakiri Vasu v. State of U.P. & others reported in (2008) 2 SCC 409 and Sudhir Bhaskar Rao Tambe v. Hemant Yashwant Dhage and others reported in (2016) 6 SCC 277 submits that instead of approaching the jurisdictional Magistrate under Section 156(3), Cr.P.C., the petitioner has unnecessarily rushed to this Court. He further submits that in the aforesaid decision, the Supreme Court has made it clear that when after registering the F.I.R., if no proper investigation is made, it would be open to the aggrieved person to file an application under Section 156(3) Cr.P.C. before the learned Jurisdictional Magistrate and if such an application is filed,

appropriate direction can be issued by the learned Magistrate. The learned Magistrate can also recommend change of Investigating Officer so that the proper investigation can be done.

In such background, learned counsel for the petitioner submits that liberty may be granted to the petitioner to approach the learned jurisdictional Magistrate under Section 156(3), Cr.P.C.

Considering the submissions made and without expressing any opinion on the merits of the case, this Court grants liberty to the petitioner to approach the jurisdictional Magistrate under Section 156(3) Cr.P.C. duly supported by an affidavit within a period of two weeks. In the event, such an application is filed, the jurisdictional Magistrate would do well to proceed with the same in accordance with law, if there is no other impediment. The learned Magistrate is directed to make all endeavour to dispose of such application within a period of four weeks from the date of receipt of such application.

Accordingly, this CRLMP is disposed of.

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

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