
(2021) 08 OHC CK 0039
In the Orissa High Court
Case No : CRLMP No. 487 Of 2021

Subrat Kumar Das

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision : 10-08-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 156(3)
Indian Penal Code, 1860 — Section 294, 302, 341, 506

Citation : (2021) 08 OHC CK 0039

Hon'ble Judges : Biswajit Mohanty, J

Bench : Single Bench

Advocate : B.P. Chhualsingh, G.R. Mohapatra

Final Decision : Disposed Of

Judgement

Biswajit Mohanty, J

Heard Mr. Chhualsingh, learned counsel for the petitioner and Mr. Mohapatra, learned Additional Standing Counsel through video conferencing mode.

According to Mr. Chhualsingh, the grievance of the petitioner in this case pertains to the tardy manner in which investigation is being carried on in

connection with Baselisahi P.S. Case Nos.22 of 2021 registered under Sections 307/294/ 341/506/34 I.P.C.

On instruction, Mr. Mohapatra submits that the petitioner is not cooperating in the investigation, which is disputed by Mr. Chhualsingh.

Further, 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, Mr. Mohapatra 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.

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.

Accordingly, this CRLMP is disposed of.

Urgent certified copy of this order be granted on proper application

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