

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3048 of 2022

N.Chiranjibi Rao and Another Petitioners
Mr. K.K.Mishra, Advocate

-Versus-

State of Odisha Opposite Party
Mr. Tapas Ku.Praharaj, SC

CORAM:
JUSTICE R.K.PATTANAIAK

Order No.

ORDER
23.11.2022

- 02.
1. Heard Mr. Mishra learned counsel for the petitioners.
 2. Admit.
 3. Mr. Praharaj, learned SC accepts notice for the State-opposite party No.1.
 4. Issue notice to informant by registered post with A.D. with an early returnable date and for the said purpose, requisites along with address statement of the informant shall be filed by the learned counsel for the petitioners within a week from today.
 5. List on 22nd December, 2022 for appearance of the informant.

(R.K.Pattanaik)
Judge

I.A. No. 2377 of 2022

- 02.
1. Mr. Panda, learned counsel for the petitioners submits that the property in respect of which the dispute has arisen is subject of civil litigation pending in the court of learned Civil Judge

Senior Division, Berhampur in C.S. No.339 of 2021. it is further submitted that the petitioners are in no way connected to the alleged fraud whatever has been alleged by the informant in the F.I.R., inasmuch as, the sale of the property in favour of the informant was way back in 1972 but thereafter, the original owner's son disposed of the same property in favour of a third party and in that connection, the involvement of the petitioners is alleged. However, according to Mishra, since civil litigation is pending in the court at Berhampur and as there is no direct nexus with the petitioners vis-a-vis the alleged transaction for which the F.I.R. has been lodged, the criminal proceeding pending before the learned court below cannot be sustained in law.

2. In view of the above facts and nature of allegations levelled against the petitioners, Mr. Mishra, learned counsel appearing for them submits that the proceeding which is pending before the court of learned S.D.J.M., Berhampur in G.R. Case No. 396 of 2022 should be stayed as an interim measure.

3. Considering the above facts and submission of the learned counsel for the petitioners, this Court directs that the further proceeding in G.R. Case No. 396 of 2022 corresponding to Berhampur P.S. Case No. 44 of 2022 pending before the learned court of S.D.J.M., Berhampur shall remain stayed till the next date.

4. List on the date fixed.

5. An urgent certified copy of this order be issued as per rules.

(R.K.Pattanaik)
Judge

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