



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1087 of 2025

Tushar Kanta Baral

....

Petitioner(s)

Mr. B. Nayak, Advocate

-versus-

State of Odisha

....

Opp. Party(s)

Mr. S. Panda, ASC

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER

27.03.2025

Order No.

01.

1. Heard.

2. The petitioner is one of the accused in connection Bhubaneswar Capital P.S. Case No.212 of 2018 registered for the alleged commission of Offences punishable under Sections 3/4/5/6/7 of the Immoral Trafficking Prevention Act, 1956. He is aggrieved by the order dated 28.06.2021 passed by the learned S.D.J.M., Bhubaneswar in C.T. Case No.2162 of 2018, whereby the learned Court below has taken cognizance of the offences punishable under Sections 370(3)/370(A)(2) of I.P.C. read with Sections 3/4/5/6/7 of the Immoral Trafficking Prevention Act, 1956 against him.

3. The allegation against the petitioner is that on 19.05.2018, the informant being the Sub-Inspector of Capital Police Station, Bhubaneswar lodged a report inter alia alleging therein that he received an information that under the Capital Police Station in a SPA in the name and style of as H-20 SPA and Hamam run by one Sanjay Kumar Rana, who have procured girls from different areas



and using them for prostitution. It is alleged that a raid was conducted and found objectionable activities by the customers with the girls and total eight young girls were found inside the SPA. Out of them, seven girls were with sexual activities with seven persons. The present petitioner is one amongst them. In presence of the witnesses, the accused persons admitted their guilt and all of them were arrested. Hence, this case.

4. Mr. Nayak, learned counsel for the petitioner submits that the petitioner is one of the customers who had been apprehended by the police in H-20 SPA and Hamam. He also submits that two of the other co-accused persons those who are similarly situated had approached this Court by filing CRLMC No.3390 of 2023. This Court vide a detailed judgment dated 09.02.2024 quashed the entire proceeding qua them. He has relied upon paragraph-15 of the said judgment, which reads as under:-

“15. Therefore, I am of the considered view that this is a fit case where this Court in exercising the inherent jurisdiction under Section 482 Cr.P.C. quash the cognizance order insofar as offences under Section 370(3) and 370A(2) of I.P.C. against the present petitioners are concerned. However, the present petitioners have to face the trial insofar as the other offences as alleged in the charge-sheet and cognizance is taken by the court below are concerned.”

By relying upon the said judgment, he seeks indulgence of this Court and praying for entire criminal prosecution initiated against the petitioner be quashed qua him.

5. Mr. Panda, learned Additional Standing Counsel for the State submits that the judgment of this Court dated 09.02.2024 passed in CRLMC No.3390 of 2023 has not been challenged by the



State, which has attained its finality. The case of the present petitioner is directly covered by the said judgment.

6. Regard being had to the finding recorded by the judgment of this Court in CRLMC No.3390 of 2023, I am inclined to allow the petition. The reasoning recorded by this Court in the judgment dated 09.02.2024 in CRLMC No.3390 of 2023 stands good for the present case and the same are not reiterated for the sake of brevity.

7. Accordingly, the cognizance order dated 28.06.2021 passed by the learned S.D.J.M., Bhubaneswar in C.T. Case No.2162 of 2018 arising out of Bhubaneswar Capital P.S. Case No.212 of 2018 and the consequential proceeding arising therefrom qua the petitioner are quashed.

8. With this observation, the CRLMC is disposed of.

(S.S. Mishra)
Judge

Swarna

Signature Not Verified

Digitally Signed
Signed by: SWARNAPRAVA DASH
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 28-Mar-2025 14:01:34

