

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.119 of 2022

Ranjan Kumar Sahoo

....

Petitioner

-versus-

Somanath Padhi & another

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER

12.07.2022

Order No.

07.

1.This matter is taken up through Hybrid mode.

2.Heard learned counsel for the Petitioner. None appears for the Opposite Party No.1.

3.This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 10.12.2021 passed by the learned S.D.J.M., Anandapur in ICC No.232 of 2015 rejecting the petition filed by the Petitioner to call for certain documents.

4. It appears that the Petitioner filed an application under Section 243 Cr.P.C. to allow him to adduce defence evidence by calling for the documentary evidence with regard to original ownership of the truck as well as the R.C book to prove his case that the offending cheque was not given to the Complainant to discharge any legally enforceable debt or liability i.e. to pay the remaining

consideration amount of the truck purchased from the Complainant.

5. The materials on record reveals that Sarojini Behera is the owner of the truck but there was an agreement between the Complainant and the Petitioner for sale of the said truck and pursuant to the same, the Petitioner though paid a part of the consideration amount and the rest consideration amount through offending cheque in the name of the Complainant. The said cheque on being presented was dishonoured. The Complainant though had given him a notice, the Petitioner did not respond to the same as such the Complainant has filed a complaint alleging commission of offence under Section 138 of the N.I Act. The Petitioner therefore neither responded to the notice nor has laid the foundation disputing that the offending cheque was given as stated in the complaint petition i.e. for discharge of legally enforceable debt or liability. The evidence on record discloses that the Complainant obtained the cheque from him but in the cross-examination, it has not been brought to the evidence for what purpose the cheque was drawn. No material is also produced or foundation was laid that the offending cheque was taken from the Petitioner fraudulently. The trial court in the aforesaid factual backdrop refused to entertain the prayer with regard to the evidence desired to be adduced to rebut the evidence that it has drawn the offending cheque for discharge of legally enforceable debt or liability by calling for the documentary evidence with regard to the ownership of the truck as well as the R.C book and examining the registered owner as the same was not disputed.

This Court, therefore, in the factual backdrop finds no reason to interfere with the impugned order.

6. Accordingly, this Criminal Misc. Case filed challenging the impugned order being devoid of merit stands dismissed.

(S. Pujahari)
Judge

PKS

