

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2682 of 2008

<i>Mr. Susanta Kuamr Behera</i>		<i>Petitioner</i>
<i>versus-</i>		
<i>Magma Srachi Finance Ltd. and another</i>		<i>Opposite Parties</i>

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
28.03.2022

23.
 1. This matter is taken up through hybrid mode.
 2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order taking cognizance dated 8th August, 2008 passed by the learned S.D.J.M., Keonjhar in 1.C.C. No.70 of 2008.
 3. Heard.
 4. The Petitioner has sought for quashment of the order of cognizance on the ground that he was not involved in release of the vehicle in question, but one Arun Kumar Das having taken his vehicle on a forged released order, he could not have been proceeded in this case by filing complaint, which is nothing but to avoid the liability of the Finance Company to release his vehicle repossessed by him on payment of the dues.
 5. However, it is the specific stand of the Finance Company that the vehicle on repossession have been kept in the hired stockyard of Mitrabhanu Mahakud and in connivance with the Petitioner and without any release order, the said Mitrabhanu Mahakud has released the vehicle of the Petitioner in favour of one Arun Kumar Das and

neither Arun Kumar Das nor the vehicle is traceable. Hence, from the aforesaid appears to this Court that prima facie a case is there against the Petitioner, which is subject to prove in the proceeding. Therefore, the aforesaid being a compliant case and triable by warrant procedure, hearing before charge of the witnesses of the Finance Company is required to be made before framing of charge wherein the Petitioner has also a scope to cross-examine the witnesses tendered by the complainant before charge.

6. In such premises, without interfering with the impugned order of cognizance, this petition stand disposed of giving liberty to the Petitioner to raise all the contentions at the time of framing of charge and in that event, the trial court taking into the materials on record that is tendered by the parties which are brought on record, pass necessary order on the framing of charge, if the materials on record justify the same.

7. However, considering the facts and submissions made, if the Petitioner surrenders before the Court in seisin over the matter within six weeks hence and makes a motion for bail, the Court in seisin over the matter shall release him on bail in connection with the aforesaid case on such terms and conditions as it may deem just and proper.

(S. Pujahari)
Judge

DA