

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.412 of 2022

Purna Chandra Sahu

Petitioner

Mr. S.G. Das, Advocate

-Versus-

Smt. Minati Behera

....

Opposite Parties

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
08.09.2022

Order
No.

- 02.
1. Heard learned counsel for the petitioner.
 2. Instant petition under Section 482 Cr.PC. is filed by the petitioner for quashing of the order dated 20th January, 2022 passed by the learned J.M.F.C, Aska in ICC No.12 of 2019 for having rejected an application under Section 91 Cr.P.C. on the grounds stated therein.
 3. The Court perused a copy of the complaint in ICC No.12 of 2019.
 4. Learned counsel for the petitioner submits that the petitioner had moved the learned court below by filing an application under Section 91 Cr.P.C. for causing production of certain documents in possession of and by the opposite party but the same was rejected without any justification and therefore, the impugned order dated 20th January, 2022 is not tenable in law.
 5. However, the Court finds that the petitioner instead of requiring the opposite party to produce the documents in terms of Section 91 Cr.P.C. he may obtain the under the RTI Act and cause its

production. If after confronting it, a need is really felt for production of the originals from the side of the opposite party, the petitioner then may move the court below for appropriate orders in that regard. That apart considering the fact that the proceeding is under Section 138 NI Act, the Court is of the view that at this juncture and in the aforesaid background facts, there is no need of any direction at present for causing production of the named documents and therefore, it is not inclined to tamper with the impugned order dated 20th January, 2021 passed in ICC No.12 of 2019.

6. Accordingly, it is ordered.

7. In the result, CRLMC stands disposed of with the above observation.

(R.K. Pattanaik)
Judge

TUDU

