

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.490 of 2022

D. Radhamohan Reddy

....

Petitioner

-versus-

State of Odisha and another

....

Opposite Parties

CORAM: JUSTICE S. PUJAHARI

ORDER

10.08.2022

Order

No.

03.

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 dated 1st July, 2021 passed by the learned S.D.J.M., Berhampur in G.R. Case No.295 of 2021 wherein cognizance of the offences under Sections 417/419/420/465/467/468/471/34 of the I.P.C. has been taken, as well as the order dated 17th December, 2021 passed by the learned S.D.J.M., Berhampur in G.R. Case No.295 of 2021 wherein the petition filed to discharge him has been rejected.
3. Heard the learned counsel for the Petitioner and Mr. Prem Kumar Pattnaik, learned Additional Standing Counsel appearing for the State-Opposite Party No.1.

4. The Petitioner in this case has challenged the order of cognizance as well as order of charge framing against him on the grounds that save and except the fact that he is an employee of so-called firm, nothing has been found against him. The aforesaid is not sufficient to prosecute against him. In such premises, the trial court should not have proceeded against him for framing of charge.

5. In this case, when the charge was framed, the Petitioner thereafter could not have challenged the order of cognizance any more. However, the sum and substance of his prayer that there being not without any materials on record, as he is proceeded with, he is entitled to an order of discharge.

6. As it appears, the Petitioner was an employee of the so-called company. The said company giving false assurance to the Informant that they have been authorized by Tata Power Southern Odisha Distribution Limited, a power distribution company, for reinstalling the meter of the consumer and they would allow him to work on its behalf and showing some forged documents in this regard made him to pay Rs.10 lakh for the purpose. But ultimately the aforesaid was found to be false. The Petitioner was in the office and receiving money from others in this regard, even though the present Petitioner had directly not dealt with the petitioner said to have been cheated. The Petitioner, therefore, was also engaged with other persons and persuading them to deposit money assuring the aforesaid.

Prima facie it cannot be said that the Petitioner being an employee is no way involved in the same. The evidence collected, therefore, indicates the Petitioner to be one of the group of persons, who manned the said company indicted in the forged and forgery. The said material on record is sufficient to put him to trial. The same also militate against the contention that the charge against the petitioner to be groundless. Therefore, this Court is of the view that refusal of the Court below to discharge the Petitioner in the aforesaid case suffers from no illegality and infirmity.

7. Accordingly, the prayer made by the Petitioner in this petition under Section 482 of Cr.P.C. invoking the jurisdiction passing the revisional court, therefore, without any substance and, as such, the same stands dismissed.

(S. Pujahari)
Judge

DA