

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMC No.556 of 2022**

***Partha Bhattacharya***

....

***Petitioner***

***-versus-***

***State of Odisha and another***

....

***Opposite Parties***

**CORAM: JUSTICE S. PUJAHARI**

**ORDER**

**29.07.2022**

**Order**

**No.**

**02.**

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 22<sup>nd</sup> November, 2014 passed by the learned S.D.J.M., Jeypore in G.R. Case No.120 of 2014 wherein cognizance of the offence under Section 408 read with Section 34 of the I.P.C. has been taken against him, as well as entire proceeding.
3. Heard the learned counsel for the Petitioner and the learned counsel for the State-Opposite Party No.1.
4. The grievance of the Petitioner in this case is that during the pendency of another case for the self-same cause of action, the learned S.D.J.M., Jeypore has taken cognizance in G.R. Case No.120 of 2014.

5. It is the case of the Petitioner that for the self-same cause, a case under Sections 457/380 of I.P.C. was registered and while the same is being investigated, this case has been registered and cognizance has been taken.

6. But, the materials available on record would reveal that the G.R. Case No.688 of 2011 arises out of the Jeypore Sadar P.S. Case No.164 of 2011 appears to have been investigated into and it was found that the same is a false case and the Informant having managed to misappropriate the stock has given such a false information and on the basis of the supervision report, it was directed to file final report and to register a case under Section 408/34 of I.P.C. Therefore, the Petitioner's prayer in this case appears to be misconceived. However, if the said case is at all pending and final report has not been filed and accepted in the said case, the case be closed. But, pursuant to the final report, if cognizance has been taken in the said case, the same be clubbed with the case registered under Section 408/34 of I.P.C.

7. With the aforesaid order, this CRLMC stands disposed of.

**(S. Pujahari)**  
**Judge**

DA