IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 604 OF 2020

Sudarshan Khatua & others ***……*** ***Petitioners***
Mr. P.CJena, Adv.

-versus-

State of Odisha & another ***..……*** ***Opposite Parties***
Mr. K.K.Gaya ASC
Mr. Kuldeep Mohanty,Adv. For O.P.2

CORAM:
JUSTICE V. NARASINGH

ORDER
20.04.2022

Order No.

07. 1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical Mode).

2. Heard learned counsel for the parties.

3. Being aggrieved by the order of cognizance dated 7.08.2018 passed by the learned S.D.J.M., Nilgiri in 1 CC Case No. 83 of 2016, the present CRLMC has been preferred.

4. The petitioners have been cited as accused in the said 1CC Case.

5. Learned counsel for the petitioners has invited the attention of the Court to the statement recorded under Section 202 Cr.P.C. in the complaint case and submits that there are material contradictions between the complaint petition and the statement as recorded and submitted that in view of such contradiction learned court ought not to have taken cognizance and issued summons.

6. It is also submitted placing reliance on the materials on record that there are series of litigations between the parties inter se and institution of the 1 CC case is outcome of grudge and has been done to settle score with the petitioners.

6. Mr. Debadutta Mohapatra, learned counsel appearing for Opposite Party No.2 has submitted with vehemence that while exercising the power under Section 482 Cr.P.C. it is not open for the Court to make microscopic examination of the materials on record. It is submitted that even otherwise the submission of the learned counsel for the petitioner that there are contradictions in the complaint petition and the statement recorded under Section 202 Cr.P.C. is not borne out from the record and in fact there has been material corroboration of assertion in the complaint petition and the statement recorded under Section 202 Cr.P.C.

7. On perusal of the statements and the complainant petition, this Court finds sufficient force in the submission of the learned counsel for the Opposite Parties and does not find any infirmity in the impugned order and accordingly, the CRLMC is dismissed.

(V.Narasingh)
Judge

Dhal