

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 4229 of 2015

Suryananda Swain

....

Petitioner

Mr. R.K. Pattanaik, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. T.K. Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

22.09.2022

Order No.

07.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner praying for quashing of the order dated 11th May, 2015 passed by the learned C.J.M.-cum-Assistant Sessions Judge, Jagatsinghpur in G.R. Case No.794 of 2001 arising out of Balikuda P.S. Case No.118 of 2001 on the grounds stated therein.

3. Learned counsel for the petitioner submits that copies of the documents, such as, Ext-16, 17, 26, 27, 30 and 31 have been received as evidence instead of certified copies thereof nor any application has been moved to accept the same as secondary evidence and that apart, the petitioner was arrayed as an accused in terms of Section 319 Cr.P.C. and referring to the impugned order as bad in law, it is claimed that the same is liable to be set aside.

4. Mr. Praharaj, learned Standing Counsel for the State submits that the aforesaid exhibits have already been received by the learned court below as evidence and when the petitioner moved an application in that regard, the court below rightly rejected it and as such, there is no wrong committed. As per the learned counsel for

the petitioner, initially chargesheet was filed against the co-accused and then he faced trial and in the meantime, the petitioner was added as an accused under Section 319 Cr.P.C. and thereafter, it was ascertained that only the copies of the documents have been exhibited without the originals which was not permissible. However, there is nothing on record to show that the xerox copies of the documents marked as exhibits while questioning the legality of the impugned order. In any view of the matter, since petitioner has been added as an accused, he may pray for production of original documents if not received as evidence and may even require recalling of the witnesses through whom the documents have been marked as exhibits. But in the facts and circumstances of the case, considering the impugned order under Annexure-1, the Court finds no reason to pass any orders or direction in that regard.

5. With the above observation, the CRLMC stands dismissed.
6. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge