

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.823 of 2019

Lakshmi Narayan Mohanty. ***Petitioner***

-versus-

State of Odisha. ***Opposite Party***

CORAM: JUSTICE S.PUJAHARI

ORDER
24.06.2022

Order No.

11. 1. This matter is taken up through Hybrid mode.
2. The petitioner in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) has prayed for quashing of the order dated 07.09.2013 passed by the learned S.D.J.M., Balasore in C.T. No.1169 of 2005 taking cognizance of the offences under Sections 420, 418, 467, 468, 471, 120-B/34 of IPC and Section 81 of the Registration Act.
3. Heard the learned counsel for the petitioner and the learned counsel for the State.
4. The allegation against the petitioner is that though the sale deeds were executed on 13.05.2004, but the registration of the same was made on 14.01.2005, i.e., after expiry of the eight months from the original date of execution by postdating the date

of execution which has caused substantial loss of revenue to the State. The Crime Branch investigated the matter and submitted charge-sheet as against the persons involved therein for causing such loss of revenue by manipulating the date of execution. It appears that this Court in CRLMC No.2092 of 2014 in respect of some of the co-accused persons in this case making a detailed appreciation of the materials on record, held that no offence was made out against them vide C.T. Case No.1169 of 2005 and quashed the order of cognizance, but stated that since the sale deeds / documents were presented beyond four months from the original date of execution, i.e., 13.05.2004, they are liable for penalty. Such order appears to have reached finality, as gathered from the learned counsel for the State. Learned counsel for the State also submits that since the petitioner is similarly situated with the co-accused persons, against whom the order of cognizance has already been quashed by this Court in the aforesaid CRLMC, he is also entitled to the benefit of the aforesaid order.

5. Since the case of the petitioner is covered by the judgment of this Court passed in CRLMC No.2092 of 2014, as gathered from the learned counsel for the State, this Court is of the view that the said judgment also guides the case of the petitioners.

6. However, it is made clear that if the trial Court finds that if the petitioner is not similarly situated with the co-accused persons, against whom the order of cognizance has already been

quashed by this Court in the aforementioned CRLMC, this order shall not be given effect to.

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

(S. Pujahari)
Judge

MRS

