

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 385 OF 2021

M/s. Sri Balaji Metalic Pvt. Ltd. & Ors.

***..... Petitioners
Mr. P.K. Nayak, Adv.***

-versus-

State of Odisha & Ors.

***..... Opposite Parties
Mr. Mund, AGA***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
14.03.2022**

Order No.

03.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the petitioner, learned Additional Government Advocate for the State and learned Counsel for the informant.
3. The petitioners are aggrieved by order dtd. 13.03.2022 passed in Criminal Revision No. 23 of 2016 by the 1st Additional District Judge, Rourkela, Sundargarh by which the Additional District Judge dismissed the Revision of the present petitioners and confirmed the order passed by the learned JMFC, Rourkela dtd. 09.09.2016 in 1.C.C. No. 4939 of 2011 whereby the complainant-Opposite Party was directed to furnish documents such as input tax credit , Vat,-201 Statement, Entry Tax Return and Mining Returns for the period from 01.09.2010 to 31.03.2011.
4. Learned counsel for the petitioner states that both the Courts have failed to appreciate that the onus lies on the

complainant to prove his case and the opposite parties cannot be directed to produce document which have the nature of indicating his complicity. Such submission of the learned counsel for the petitioner is refuted by the learned counsel for the complainant that the documents are necessary for just adjudication of the case at hand and as rightly held by both the Courts, the Opposite Party will not be prejudiced in any way in producing the same.

5. On a query from the Court the learned counsel for the Opposite Parties- complainant fairly submits referring to his petition at Annexure-1 before the learned J.M.F.C., Rourkela that the documents can be called for from the statutory authorities.

6. Taking note of such submission, this Court feels that interest of justice will be sub-served of the learned J.M.F.C., Rourkela is directed to consider the matter afresh without being prejudiced by his earlier order or the order passed by the Revisional Authority.

7. It is open for the learned Court below to consider the matter afresh on the basis of materials which are available on record. It is open for the petitioner-accused to make submissions on merit before the learned J.M.F.C., Rourkela in support of his stand.

8. The impugned orders dtd. 09.09.2016 and 12.03.2020 passed by the learned J.M.F.C., and the Revisional Court are hereby set aside.

9. It is made clear that, if any application is filed by the complainant, in terms of the order of this Court, the same shall be

dealt with expeditiously, preferably within a period of three weeks from the date of production of the order.

10. The CRLMC is disposed of accordingly.

11. Urgent certified copy of this order be supplied as per rules.

Balaram

*(V.Narasingh)
Judge*

