

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.721 of 2022

Dibakar Nanda

....
Mr. B.P.Pradhan, Advocate

Petitioners

-Versus-

State of Odisha

....
Mr. T.K.Praharaj, SC

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
01.12.2022

Order No.

- 02.
1. Heard learned counsel for the petitioner and Mr. Praharaj, learned counsel for the State.
 2. The challenge in the present case is to the impugned order dated 16th September, 2021 under Annexure-2 passed in G.R. Case No. 1082 of 2017 by the learned Civil Judge (Jr.Division)-cum-JMFC, Dasamantpur corresponding to Dasamantpur P.S. Case No. 94 of 2017 on the grounds stated therein.
 3. Learned counsel for the petitioner submits that the learned court below could not have passed the impugned order under Annexure-2 series since it amounted to review and barred under Section 362 Cr.P.C which is objected to by Mr. Praharaj, learned counsel for the State on the ground that the learned court below was under the impression that a final report was submitted but it was a chargesheet and therefore such a wrong was corrected and the impugned order dated 16th September, 2021 was passed which does

not amount to a review as has been claimed by the learned counsel for the petitioner.

4. A copy of the F.I.R. is at Anneuxre-1. The Court perused the impugned order which is at Annexure-2 series. On a proper reading of the impugned order dated 16th September, 2021, the Court finds that the learned court below mistakenly considered the chargesheet as final report which was subsequently pointed out and thereafter, on the strength of chargesheet, cognizance of the offences was taken against the petitioner and another accused and then both were summoned to appear on the date fixed. The Court is of the view that the order has rectified the mistake which was detected later on. The learned court below perhaps by inadvertence considered the chargesheet as a final report but thereafter, under the impugned order dated 16th September, 2021 corrected it and issued summons to the accused persons. Hence, it is not a case which amounted to review.

5. Accordingly, it is ordered.

6. Consequently, the writ petition stands dismissed.

(R.K. Pattanaik)
Judge