

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.808 of 2022

Umakanta Nayak

....

Petitioner

-versus-

State of Odisha and another

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER
03.08.2022

Order
No.

01.

1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 3rd March, 2022 passed by the learned S.D.J.M., Udala in 1.C.C. No.06 of 2019 wherein the petition under Section 258 of Cr.P.C. filed by the Petitioner has been rejected, and drop the said proceeding.
3. Heard the learned counsel for the Petitioner and the learned counsel for the State-Opposite Party.
4. Petitioner in this case has sought for to drop the aforesaid proceeding on the ground that the evidence led would not result in conviction, as there is no evidence to the effect that the cheque was drawn for due discharge of any debt or liability, much less any legally enforceable debt or

liability. Such prayer of the Petitioner in the midst of trial was dismissed by the trial court to be not maintainable.

5. It is well settled that appreciation of evidence is within the domain of a trial court. This Court in the midst of the trial is prohibited to express any opinion on the sufficiency of evidence attracting an offence, for which, an accused is facing the trial. The same is exclusively within the domain of the trial court while rendering the judgment in the conclusion of the trial.

6. A power under Section 482 of Cr.P.C., which is inherent power of the Court, as required to be exercised in exception but not as rule. The inherent power has been conferred apart from express provision of law, which are necessary for proper discharge of function and duties impose upon the court by law. It is well settled that under three circumstances, the inherent jurisdiction may be exercised, i.e., to give effect an order under the Code of Criminal Procedure, to prevent the abuse of process of court or to secure the ends of justice.

7. Needless to say that when a trial has already been begin and evidence has been adduced, the appreciation of the evidence as stated earlier being sole domain of the trial court while disposing of the case, this Court, therefore, should not exercise the power under Section 482 of Cr.P.C. in the midst of the trial arrogating itself the role of the trial court

appreciating the evidence to be not sufficient enough to record a conviction and for that, to quash the prosecution.

8. Hence, the prayer made in this petition is devoid of merit. Accordingly, the CRLMC stands dismissed.

(S.Pujahari)
Judge

DA

