

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.823 of 2022

Pramod Kumar Rout

Petitioner

Mr. P.K. Rout (in person)

-Versus-

State of Odisha and others

.... **Opposite Parties**

Mr. T.K. Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

12.09.2022

Order
No.

01. 1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Learned counsel for the petitioner submits that instant petition is filed assailing the impugned order dated 15th February, 2022 passed in G.R. Case No.718 of 2021 by the learned J.M.F.C., Salipur on the grounds stated therein.
3. It is further submitted that pursuant to the Court's order, the IO seized the billing ledger in respect to the petitioner, who is the informant himself during an in course of investigation but ultimately submitted a final report. According to the leaned counsel for the petitioner, investigation was not conducted properly which ultimately resulted in the submission of the final form, the fact which was completely lost sight of by the learned J.M.F.C., Salipur and therefore, this Court's indulgence is necessary. In other words, the impugned order under Anenxure-3 is sought to be set aside at the behest of the petitioner which is objected to by the learned counsel for the State on the grounds that there has been compliance

of the Court's order in furtherance of which necessary seizure was made and therefore no case is made out for interference.

4. In course of hearing, learned counsel for the petitioner submits that an opportunity should be provided to the petitioner to bring materials before the learned court below in order to substantiate the allegations originally made in the FIR. Having regard to the above facts and submissions of the learned counsel appearing for the respective parties, the Court is of the view that no ground is made out for interference in so far as the impugned order under Annexure-3 is concerned since it finds that after investigation which is stated to in compliance of the order of the learned J.M.F.C., Salipur led to the seizure of billing ledger etc. but if a final report was submitted which can very well be challenged by the petitioner by filing a protest petition with all materials in support of the allegations made earlier. Having said that, since the petitioner has an opportunity by filing a protect petition, the Court does not find any reason to interfere the impugned order i.e. Annexure-3.

5. Accordingly, it is ordered.

6. In the result, the CRLMC stands disposed of. However, the petitioner is having liberty to approach the learned court below by filing an protest petition if not so filed which would be entertained by the court concerned as a complaint and in the event such protest petition is filed, the same shall be considered and disposed of as per in accordance with law.

(R.K. Pattanaik)
Judge