

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.4 of 2012

***Sujit Kumar Panda @ Tudu and
another***

.... Petitioners

Proxy counsel on behalf of
Mr. R.N. Rout, Advocate

-versus-

State of Orissa and another

.... Opposite Parties
Mr. S.N. Das, A.S.C.

**CORAM:
THE CHIEF JUSTICE**

ORDER

22.04.2022

Order No.

06. 1. The challenge in the present petition is to an order dated 11th November 2010 passed by the learned SDJM, Bhadrak in G.R. Case No.766 of 2008 framing charges against the present Petitioners for the offences under Sections 406/420/506/294/34 of IPC.
2. The case of the Petitioner is that a civil dispute has been converted into a criminal case and that it is an abuse of process of law and therefore, no charge ought to have been framed by the court below.
3. The gist of the complaint filed before the SDJM, Bhadrak reads as under:

“The Informant was doing cable T.V. business in the name and style of “Annapurna Network”. It is alleged that on dated 16.08.2007, the Informant signed a contract with one “Mahesh Cable Network” owned by the Petitioner No.1 and took cable connection from the Network run by Petitioner No.1 on payment of Rs.15,000/- towards infrastructural expenses. As per agreement the

Informant had had to pay Rs.40/- to the Petitioner No.1 for each T.V. connection. It is further alleged that in violation of the contract, Petitioner No.1 provided cable connection to another T.V. Network named and styled as “Konark Network”. It is stated that the Informant sent Pleader Notice to Petitioner No.1 but Petitioner No.1 disconnected cable connection to the Informant’s T.V. Network and thereby committed cheating and criminal breach of trust and on being asked the Petitioners threatened the Informant of dire consequences.”

4. None appears for Opposite Party No.2-Complainant despite service.

5. Having heard learned counsel for the parties, the Court is of the view that the above allegations prima facie reveal a civil dispute regarding cable connection being provided on payment and this can hardly be treated to be a case of cheating or criminal breach of trust.

6. Consequently, the impugned order dated 11th November 2010 is hereby set aside and the Petitioners shall stand discharged in G.R. Case No.766 of 2008.

7. The CRLMC is disposed of in the above terms. A copy of this order be communicated to the Court below forthwith.

8. Urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice