

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3996 of 2015

Kumudini Jena

....

Petitioner

Ms. Pratyusha Naidu, Advocate

-versus-

State of Odisha and Others

....

Opposite Parties

Mr. J. Katikia, Addl. Govt. Advocate

**CORAM:
THE CHIEF JUSTICE**

Order No.

**ORDER
16.09.2022**

- 04.
1. Despite service of notice on Opposite Party No.2 and some lawyer having appeared earlier, today none appears for Opposite Party no.2.
 2. The challenge in the present petition is to an order dated 25th August, 2014 passed by the learned S.D.J.M., Bolangir in ICC Case No.32 of 2013 arising out of G.R. Case No.680 of 2012 corresponding to Bolangir P.S. Case No.254 of 2012 taking cognizance of the offence under Section 466, 468 and 471 IPC against the Petitioner for allegedly producing a forged residential certificate.
 3. Initially, on a complaint of Opposite Party No.2 a closure report had been filed by the prosecution against which Opposite Party 2 filed a protest petition. It is on the basis of a protest petition that the impugned order dated 25th August, 2014 has been passed by the S.D.J.M., Bolangir taking cognizance of the above offences against the Petitioner.

4. It is seen from the report of the Tahasildar that there appears to be some overwriting in the registration number of the nativity certificate as can be seen from the letter dated 27th November, 2012 addressed by the Tahasildar to the S.I. of Police, Town PS, Bolangir, which reads thus:

“To

The Sub-Inspector of Police, Town PS, Bolangir

Sub: Verification of Misc. Case No.9061/98 in favour of Kumudini Jena.

Ref: Bolangir Town P.S. Case No.254 Dt. 24.09.2012
U/s. 466/468/471/114/IPC.

Sir,

With reference to the subject cited above, I am to say that on verification of the Misc. case register 1998-1999 i.e. 15.07.1998 to 29.12.2000, it is found that one Smt. Kumudini Jena W/o. Ajit Kumar Pradhan of village, Loisingha has been granted a residential certificate vide misc. case No.904 of 1998 instead of 9061/98. It is also found that no such misc. case No.9061/98 has been instituted during the period of 1998. But the no. of misc certificate is 904/98, But due to overwriting it is seem to be 9061/98.

On thorough verification and search, I am to inform you that the same misc. case is very year old and might have been damaged by the white ants.

So, it is not possible on our part to trace out the misc. case no.904/98. However a Xerox copy of the misc. case register where in the misc. case no. has been entered is send herewith through bearer of the letter.”

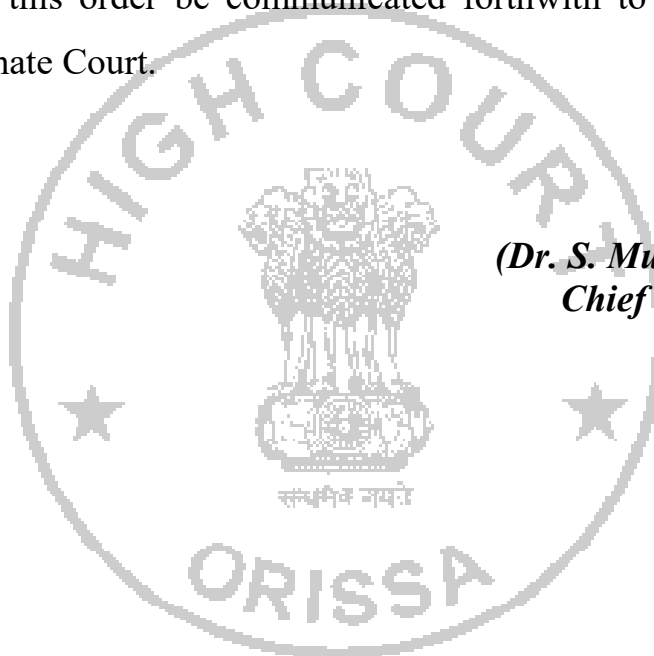
5. It therefore, appears that there was indeed a Misc. Case in which the certificate was issued but only the Misc. Case Number appears

to be different. The case itself was very old and if in fact it might have been damaged by white ants, it cannot be said that the Petitioner deliberately produced a forged nativity certificate.

6. In that view of the matter, the impugned order taking cognizance is hereby set aside and the criminal case against the Petitioner being ICC Case No.32 of 2013 is hereby quashed. The CRLMC is disposed of.

7. An urgent certified copy of this order be issued as per rules. A copy of this order be communicated forthwith to the concerned Subordinate Court.

S.K. Jena/Secy.



(Dr. S. Muralidhar)
Chief Justice