

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 4161 of 2015

Subash Chandra Pradhan

....
Petitioner
Mr. Anirudha Das, Advocate

-Versus-

State of Orissa

....
Opposite Party
Mr. Tapas Kumar Praharaj, SC, OP No.1

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
17.11.2022

Order No.

11.
 1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the impugned order dated 14th March, 2013 passed by the learned S.D.J.M., Dhenkanal in G.R. Case No.693 of 2007 in connection with Dhenkanal Town P.S. Case No.169 of 2007 for having taken cognizance of the offence under Sections 468, 419, 420, 409 and 34 I.P.C. and issuance of DBW(A) against the petitioner.
 3. Mr. Praharaj, learned Standing Counsel for the State submits that the entire allegation is revealed from the FIR which has been lodged by one Sadasib Moharana, an employee of OREDA, Dhenkanal. There is no allegation or complicity vis-à-vis from the State Organization but however at the end of investigation, chargesheet is filed against him along with the principal accused. It is

contended that the other accused person involved in the case has already expired in the meantime therefore the criminal proceeding pending before the learned court below should be quashed in the interest of justice.

4. This Court had earlier directed the State Counsel to ensure production of the case diary and chargesheet but it could not be complied with by the State Counsel, who seeks some more time for the same.

5. Having regard to the nature of allegation which is with regard to misappropriation of government money, the accused who submitted completion certificate being signed by the officer of OREDA for an amount of Rs.50,600/-, the Court is of the view that the involvement or otherwise of the petitioner has to be examined by the Court, which is entirely based on documents. At this stage the Court is of the view since petition has been charge sheeted as an accused, he has the liberty to claim for discharge and in absence of materials complicity accordingly allowed financial transaction and released subsidy. In other words at this juncture the Court is not inclined to examine the materials collected during investigation and submit chargesheet with regard to the involvement of the petitioner.

6. In view of the above, the Court disposes of the CRLMC with liberty granted to the petitioner to raise all such grounds at the time of framing of charge before the court seisin over the matter in G.R. Case No.693 of 2007 arising out of Dhenkanal Town P.S. Case No.169 of 2007, who shall pass appropriate order as per and in accordance with law.

7. Petitioner since is an accused and has been issued DBWA, he is directed to surrender before the concerned court on or before 9th December, 2022 in G.R. Case No.693 of 2007 arising out of Dhenkanal Town P.S. Case No.169 of 2007 and in the event of

surrender, he shall be surrender and released on bail subject to conditions.

8. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo

