

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1719 of 2022

Amit Rajgadia and another *Petitioners*
-versus-
State of Odisha and others *Opposite Parties*

CORAM: JUSTICE S. PUJAHARI

ORDER

21.07.2022

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 Petitioners with a prayer to quash the F.I.R. and criminal proceeding in connection with G.R. Case No.2065 of 2019, corresponding to Chauliaganj P.S. Case No.476 of 2019, pending before the Court of J.M.F.C. (City), Cuttack. Now, charge sheet has been filed and cognizance stated to have been taken.
3. Heard the learned counsel for the Petitioners and the learned counsel for the State-Opposite Party No.1.
4. It appears that in the charge sheet, some of the documents stated to have been seized by the I.O., but not produced before the learned Magistrate. The learned Magistrate in seisin over the matter has called for those documents, out of which, some of the documents were produced, but one document has not been produced. As such, he has called for explanation from the I.O., who has seized the documents. In spite of the same, neither any explanation has been given nor the

document is produced and, as such, the case was posted to 14th December, 2021 for submission of show cause.

5. The Petitioner has filed this petition for quashment of the F.I.R. on the ground that since the entire documents has not been produced, the F.I.R. is bad. But in the meanwhile, charge sheet has been filed and cognizance has been taken. The same can hardly be a ground to quash the F.I.R. which has already been ended in filing the charge sheet.

6. However, the trial court is directed to proceed with the matter for compliance of its order, if not already done in appropriate manner, and also proceed with the trial. Liberty is given to the Petitioner to raise the contention at the time of framing of charge, if the non-production of the documents would militate a charge to frame against the Petitioner, the trial court shall consider the same in proper perspective.

7. With the aforesaid order, this CRLMC stands disposed of.

(S. Pujahari)
Judge

DA