

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No. 279 of 2022

Kalia Pera

...

Petitioner

Mr. B.S. Dasparida, Advocate

-Versus -

State of Odisha

....

Opposite Party

Mr. P. Tripathy,

Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

10.11.2022

Order No.

05.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Additional Standing Counsel for the State.
3. The petitioner is aggrieved by order dated 06.04.2022 passed by learned J.M.F.C., Binika in G.R. Case No. 264 of 2010, whereby charge was framed against him for commission of the offence under Sections 468/477(A)/409/34 of IPC.
4. It is submitted by learned counsel for the petitioner that as per the FIR one Budharam Meher and one Daitya Bhoi both of whom were working as Ex-Nazirs of Binika Tahasil had forged the signature of the then Tahasildar to draw huge amount of Government money. One of such cheques bearing the forged signature of the Tahasildar was given to the petitioner, who is a labourer and had no knowledge whatsoever as regards the forgery committed by the accused

persons. On good faith, he had received the cheque and presented it before the bank. It is submitted that in view of the complete ignorance of the petitioner and there being no other material against him, framing of charge against him by learned court below is completely illegal.

5. I have perused the impugned order and have also gone through the materials on record including the FIR and the charge sheet, which have been enclosed to the revision petition. It is settled law that the Court, at the stage of framing charge is not expected to delve deep into the matter to cause a roving enquiry by sifting the evidence and materials on record. All that the Court is required to do at this stage is to form a presumptive opinion as regards commission of the offence by the accused person. In other words, the Court is required to consider the materials on record to see, if there is a strong possibility of the petitioner having committed the alleged offences. The grounds taken by the petitioner-accused are such as can only be considered during trial but not at this preliminary stage. As such, I find no infirmity much less any illegality in the impugned order so as to interfere. The criminal revision stands dismissed.

(Sashikanta Mishra)
Judge

B.C. Tudu