

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1397 of 2021

Padmalochan Sahoo

.... Petitioner

Mr. T.K. Mishra, Advocate

-Versus-

State of Odisha

.... Opposite Party

Mr. S.S. Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

28.11.2022

Order
No.

01.

1. Heard counsel for the petitioner and learned counsel for the State.

2. In the present case, the order of cognizance dated 6th June, 2020 passed in G.R. Case No.850 of 2012 by the learned S.D.J.M., Talcher is under challenge on the grounds stated.

3. Learned counsel for the petitioner submits that the impugned order under Annexure-6 is not sustainable in law and therefore, it should be quashed. Mr. Mohapatra, learned counsel for the State, however, submits that it is not a case where inherent jurisdiction should be exercised to quash the impugned order considering the nature of allegations in the FIR which indicates that the petitioner being the Bank Manager and other accused persons disbursed loan to the tune of Rs.23 lac without following due rules.

4. Having regard to the allegations as revealed from the FIR and the fact that the case was registered in 2012 under Section 409

IPC and other allied offences and in the meantime, chargesheet is filed, the Court is not inclined to exercise its inherent jurisdiction to quash the impugned order. In fact, the learned court below did not commit any error or legality in taking cognizance of the alleged offences later to submission of chargesheet, a copy of which is at Annexure-5 series and hence, its calls for no interference. However, the Court is of the view that the petitioner should be granted liberty to raise all the grounds at the time of framing of charge as the learned counsel appearing on his behalf submits that the charge is not yet framed by the learned court below.

5. Accordingly, it is ordered.

6. In the result, CRLMC stands disposed of with a liberty in favour of the petitioner to raise all the points and grounds as available to him under law while seeking discharge in connection with G.R. Case No.850 of 2012 and in the event, any such application so moved by him, the learned S.D.J.M., Talcher shall consider the same and pass appropriate order as per and in accordance with law.

7. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge