

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2424 of 2022

Jnanendra Kumar Bhanja

....

Petitioner

Mr. S.Mohapatra-2, Advocate
and K.Mohanty, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr. S.S.Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
20.10.2022

Order No.

- 19.
1. Heard learned counsel for the petitioner and Mr. Mohapatra, learned counsel for the State-opposite party No.1.
 2. Instant petition under Section 482 of Cr.P.C. is filed for quashing of the criminal proceeding in connection with G.R. Case No. 504 of 2021 corresponding to Kakatpur P.S. Case No. 125 of 2021 pending in the court of learned JMFC, Nimapara on the grounds stated therein.
 3. Perused the copy of the F.I.R. which is at Annexure-1.
 4. In fact, pursuant to the lodging of the F.I.R., Kakatpur P.S. Case No. 125 of 2021 registered offence under Sections 471/420/468/417 of I.P.C. It is informed to the Court by Mr. Mohapatra, learned counsel for the State that in the meantime, investigation stands

concluded and chargesheet is filed against the petitioner under the alleged offences.

5. Learned counsel for the petitioner submits that the allegation is with regard to unauthorized clearing bill in favour of a Medical officer for an amount of Rs.3,50,327/- which has subsequently been refunded prior to the lodging of the report with the local police. It is submitted that the petitioner was a junior Assistant and did not commit any illegality as such. On the aforesaid ground, the criminal proceeding is sought to be quashed at the instance of the petitioner. In response to the above, Mr. Mohapatra, learned counsel for the State submits that in fact the allegation relates to manufacture of records for the purpose of clearing the bill in favour of the Medical Officer and it was accomplished by the petitioner and whether he was involved or otherwise can only be ascertained during trial and therefore, the proceeding may not be quashed more so when disputed facts are involved for consideration.

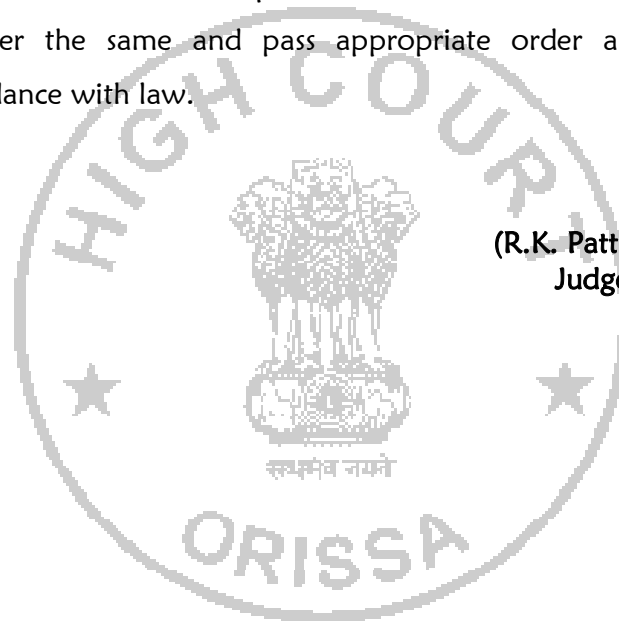
6. In view of the nature of allegations, considering the submissions of the learned counsel for the petitioner as well as learned counsel for the State, Court is of the view that the contention is purely factual which needs examination and requires receiving evidence during trial. In other words, it is not a fit case where inherent jurisdiction may be exercised to quash the proceeding considering the allegation that the petitioner was involved in manufacture of records in order to allow the clearance of the arrear bill of the Medical Officer, an employee, who was allegedly was absent but was shown as on duty.

7. Under the above circumstances, since no ground is made out for quashing of the criminal proceeding, it cannot be allowed. The

Court is of the view that the petitioner should have liberty to raise such a ground at the time of framing of the charge.

8. Accordingly, it is ordered.

9. In the result, the CRLMC stands disposed of with a liberty to the petitioner to raise any such ground the time of framing of charge in connection with G.R. Case No. 504 of 2021 corresponding to Kakatpur P.S. Case No. 125 of 2021 pending before the learned court of J.M.F.C., Nimapara and if so moved, the Court shall consider the same and pass appropriate order as per and in accordance with law.



(R.K. Pattanaik)
Judge