

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.428 of 2022

Udayabhanu Patra* *Petitioner

Mr. B.K. Mohanty, Advocate

-versus-

State of Odisha* *Opp. Party

*Mr. Manoranjan Mishra,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
11.10.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

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

The petitioner in this revision petition has challenged the order dated 23.06.2022 passed in C.T. Case No.26 of 2022 by the learned Adhoc Additional Sessions Judge, FTSC (POCSO), Jagatsinghpur in rejecting his petition under section 227 of Cr.P.C. for discharge wherein the learned trial Court has been pleased to hold that there are grounds for presuming that the petitioner has committed the offences under sections 341/342/452/457/380/324/307/354/34 and 376(D) of the Indian Penal Code.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the case and the statement of the victim suffers from exaggeration and it is very difficult to accept such statement and it appears that at a belated stage, the petitioner has been entangled in the case and therefore, the learned trial Court was not justified in rejecting the discharge petition filed by the petitioner.

After going through the statements of the witnesses filed by the learned counsel for the petitioner along with the revision petition, the charge sheet and on hearing the learned counsel for the State, I am of the humble view that whether there are contradictions in the statements of the victim or not and whether in spite of contradictions, the evidence of the victim is to be accepted or not during the domain of the learned trial Court is to be appreciated at the appropriate stage and when law is well settled that meticulous examination of the evidence on record is not permissible at the stage of framing of charge and defence plea, if any, cannot be looked into at this stage, I am not inclined to interfere with the impugned order dated 23.06.2022 passed by the learned Adhoc Additional Sessions Judge, FTSC (POCSO), Jagatsinghpur.

Accordingly, the CRLREV being devoid of

merits, stands dismissed.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge

RKM

