

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3049 of 2022

Md. Maidul Khan

Petitioner

Mr. S.C. Rath, Advocate

-Versus-

State of Odisha

.... Opposite Party

Mr. S. S. Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

01.11.2022

Order
No.

01.

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

2. In the present case, the challenge is as to submission of chargesheet under Section 414 IPC and issuance of summons to the petitioner for the same offence in connection with Darghabazar P.S. Case No.106 of 2012 corresponding to G.R. Case No.1831 of 2012 pending in the file of learned S.D.J.M.(S), Cuttack on the grounds stated therein.

3. Learned counsel for the petitioner submits that the petitioner is a computer professional and he is not at all involved in the alleged incident for which the report was lodged consequent upon which Darghabazar P.S. Case No.106 was registered in the year 2012 for offences under Section 457 and 380 IPC. It is further submitted that chargesheet is filed against the accused persons under Section 457, 380 and other allied offences, however, in so far as the petitioner is concerned, he has been summoned by the court of learned S.D.J.M.(S), Cuttack for the offence under Section 414 IPC

which is not at all made out considering the materials on record. It is reiterated that the petitioner is a computer professional and received the computer systems for repair. However, Mr. Mohapatra, learned SC learned counsel for the State submits that since the petitioner has been summoned for offence under Section 414 IPC, he should appear before the learned court below instead.

4. The Court is of the view that truthfulness or otherwise of the allegations made in the FIR can only be examined during enquiry and trial. In other words, the Court is not inclined to interfere with the criminal proceeding on the ground so raised by the petitioner. But, it is of the view that the petitioner should be granted liberty to raise all such grounds before the learned court below at the time of framing of charge.

5. Accordingly, it is ordered.

6. In the result, CRLMC stands disposed of with liberty granted to the petitioner to file an application before the court of learned S.D.J.M(S), Cuttack in connection with G.R. Case No.1831 of 2012 seeking discharge, which on being so moved, the court shall consider the same and pass appropriate order as per and in accordance with law.

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

(R.K. Pattanaik)
Judge