

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3510 of 2022

Tapan Kumar Ghosh

....

Petitioner

Mr. A.Ray, Advocate

-Versus-

State of Odisha & Another

....

Opposite Parties

Mr. S.S.Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

24.11.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State-opposite party No.1.
 2. The challenge in the present case is to the impugned order under Annexure-4 whereby the learned J.M.F.C., Jaleswar while considering an application for sending the cheques for examination by a handwriting expert declined it on the ground that the petitioner did not clearly mention regarding which is of the cheques to be sent for the said purpose.
 3. Learned counsel for the petitioner refers to the application, a copy of which is at Annexure-3 to satisfy the Court that the petitioner had moved the learned court below for sending both the cheques for scientific examination and opinion the fact which was completely lost sight of by the learned J.M.F.C., Jaleswar.
 4. Mr. Mohapatra, learned counsel for the State on the other hand submits that the learned court below passed the impugned order

under Annexure-4 on the premise that there was no specific mention regarding the cheques to be sent for scientific examination and under the circumstances, it has not committed any wrong or illegality.

5. At this juncture, Mr. Ray learned counsel for the petitioner submits that liberty may be granted to the petitioner to file a better application before the learned court below with the purpose stated for sending the cheques for scientific examination by the handwriting expert which would serve the purpose.

6. With the limited prayer as above, the CRLMC stands disposed of with a liberty granted to the petitioner to file a fresh application with a prayer for sending both the cheques for the scientific examination and opinion in connection with I.C.C. Case No. 89 of 2019 and in the event such application is moved, the learned JMFC., Jaleswar shall do well to pass appropriate order as per and in accordance with law.

7. As a necessary corollary, the impugned order dated 5th July, 2022 passed in I.C.C. Case No. 89 of 2019 is hereby set aside.

8. Urgent certified copy be issued as per rules.

(R.K. Pattanaik)
Judge