

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1818 of 2020

Laxmi Priya Panigrahi *Petitioner*
-versus-
State of Odisha and another *Opposite Parties*

CORAM: JUSTICE S. PUJAHARI

ORDER
26.07.2022

Order
No.

02. 1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 22nd March, 2018 passed by the learned S.D.J.M., Chatrapur, Ganjam in 1.C.C. No.12 of 2016 under Annexure-1 and the order dated 8th May, 2019 passed by the learned Additional Sessions Judge, Chatrapur, Ganjam in Criminal Revision Petition No.10 of 2018 under Annexure-2.
3. Heard Mr. H. Mohanty, learned counsel appearing for the Petitioner and the learned counsel for the State-Opposite Party No.1.
4. It appears that the Petitioner-Complainant made a report before the Chamakhandi Police Station alleging therein that some miscreants demolished her house by using Drozer and

took away valuable articles, which was registered as F.I.R. vide Chamakhandi P.S. Case No.19 of 2014. The police after completion of investigation submitted a final report. However, the Petitioner made a protest, which was registered as 1.C.C. No.12 of 2016 and inquiry was conducted. In the said complaint, when the accused being summoned applied for bail, the Petitioner objected to the same on the ground, inter-alia, that the J.C.V. in question being in his possession having not been produced, he was not entitled to bail as the accused had not produced the so-called weapon of offence, i.e., J.C.V. and also made petition under Section 91 of Cr.P.C. before the S.D.J.M. Chatrapur for production of the alleged weapon of offence (JCV) having registration No.OR-07-Q-9998 along with its driver. Learned Magistrate, however, while addressing the question with reference to Section 91 of Cr.P.C. held that the prayer made is misconceived at this stage. The revision carried against the said order was confirmed by the learned Additional Sessions Judge, Chatrapur.

5. As it appears, the Petitioner vide the petition under Section 91 of Cr.P.C. filed before the learned S.D.J.M., Chatrapur made a prayer to the court to ask the accused to produce the J.C.V. on the ground that the same is essential for hearing of the case.

6. The Investigating Officer and also the court making inquiry regarding commission of offence has ample power to

call for the documents or the things said to have been involved in the crime, to be dealt with appropriately in the manner known to law. The power is of wide amplitude, but the same is required to be passed in appropriate cases. The present case, however, does not make out such a situation. The final adjudication of the case is also not dependent on production of the material object. Even if the material object is not produced which stated to have been seized in connection with a case, during the trial, the same itself cannot give rise to a presumption that no such offence was committed. Therefore, the discretion has been given on the court to exercise such power only in appropriate cases during investigation, inquiry or trial. The present case is not of the same nature.

7. Therefore, I see no illegality or infirmity in the order of the learned S.D.J.M., Chatrapur, which has been confirmed in the revision.

8. Accordingly, the CRLMC stands dismissed.

(S. Pujahari)
Judge

DA/MRS