

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2892 of 2021

Subhendu Pradhan

.... ***Petitioner***
Mr.Dharmendra Sethy,
Advocate

-versus-

State of Odisha.

.... ***Opposite Party***
Mr. Karunakar Gaya,ASC

CORAM:
MR. JUSTICE S.K. PANIGRAHI

ORDER
02.02.2022

Order No.

01.

1. This matter is taken up by virtual mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner has filed this application challenging the order of cognizance dated 05.01.2016 for the offences under Sections 120-B/419/420/406/294/506/34 of the Indian Penal Code in connection with C.T. Case No.2081(A) of 2015 arising out of Khantapada P.S. Case No.352 of 2015 pending in the court of learned S.D.J.M.(Rural), Balasore
4. The case of the prosecution in brief is that the petitioner on assurance of giving contractual job, he took Rs.18,500/- from the informant, but later cheated the informant. Thereafter, the F.I.R. was lodged against the petitioner and the cognizance for the offences as alleged has been taken and N.B.W.(A) has been issued against him.

5. Learned counsel for the petitioner submits that the petitioner is innocent person. He has not received any money from the informant nor any amount has been deposited. He is working in a private company of Bangalore and when he visited to his house, he came to know about the present case lodged against him. However, he is ready and willing to pay the alleged amount to the informant.

6. Learned counsel for the State submits that the repayment of amount to the informant after long period does not absolve the petitioner from criminal liability and more so the trial has already commenced. Hence, the petition deserves to be rejected.

7. In view of the above facts and circumstances and since the trial is going on, this Court is not inclined to quash the cognizance order passed by the learned court below.

8. The CRLMC is accordingly dismissed.

9. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge