IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.430 of 2018
(CNR No. ODHC010277942018)

In the matter of an application under Section 401 of the Code of Criminal Procedure, 1973.

...

Madhab Chandra Patra ... ***Petitioner***

-versus-

1. Rajen Kumar Sahu ... ***Opp. Parties***
2. State of Odisha

Advocate(s) Appeared in this case

For Petitioner - Mr. Pabitra Kumar Nayak, Advocate

For Opp. Parties - Mr. C.R. Swain, Addl. Govt. Adv. for O.P.2

CORAM :

MR. JUSTICE V. NARASINGH

Date of Hearing & Judgment: 28.10.2026

V. Narasingh, J. Heard learned counsel for the Petitioner and learned counsel for the State.

2. This Criminal Revision has been filed assailing the judgment dated 23.03.2018 passed by the learned 2nd Additional Sessions Judge, Rourkela, in Criminal Appeal No.05 of 2016 affirming the judgment of conviction and sentence dated 18.12.2015 passed by the learned Additional Chief Juridical Magistrate, Rourkela in ICC Case No.225 of 2014 (Trial No.17 of 2015) qua the Petitioner for

commission of offence punishable under Section 138 of the Negotiable Instrument Act, 1881 (Hereinafter referred to as "N.I. Act"), sentencing him to undergo S.I. for a period of three months and pay compensation of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand), in default, to undergo S.I. for a period of one month.

3. Learned counsel for the Petitioner submits that both the Courts below have failed to take into account the specific stand of the Petitioner-accused that a substantial sum was paid and, in this context, he relies on the evidence of D.W.1, the Customer Relation Officer of S.B.I., Chhend, Rourkela as well as that of D.W.2, the wife of the complainant.

4. It is apt to note that, on a perusal of the evidence of D.W.1, it is seen that he has deposed that amounts of Rs.40,000/-, Rs.14,850/-, Rs.45,000/- and Rs.19,800/-, totaling Rs.1,19,650/-, were deposited in cash.

5. Referring to the evidence of D.W.2, who is none other than the wife of the complainant, more particularly, paragraph-2 thereof, learned counsel for the Petitioner submits that such part payment is

fortified and, taking note of the same, the appreciation of evidence on record by the learned Courts below is perverse, warranting interference by this Court, notwithstanding the contours of exercise of revisional jurisdiction.

6. On a close scrutiny, this Court is not able to persuade itself to agree with such submission.

For convenience of reference, and being conscious of the limits of exercise of revisional jurisdiction, this Court quotes paragraph-2 of the examination-in-chief of D.W.2;

> "It is false to say the said deposit of money was towards the discharge of liability by the accused and that though the entire debt was discharged, yet my husband did not return the cheque to the accused, instead lodged a false case against him. It is also false to say that since the debt has already been cleared, there remains no liability and that my husband has initiated a false prosecution against the accused and that I am deposing falsehood."

7. On a bare perusal of the same, it is seen that while acknowledging the deposit of the amount in terms of the deposition of D.W.1, D.W.2 does not support the stand of the accused that there was no subsisting debt when the cheque was issued.

8. Exercise of jurisdiction relating to section 138 of the N.I. Act has been set at rest by the judgment of the Apex Court in the case of ***Sanjabij Tari v. Kishore S. Borcar*, 2025 SCC Online SC 2069**.

9. This Court, on a perspicuous analysis of the evidence on record in the light of the aforementioned judgment in case of ***Sanjabi Tari (Supra)***, does not find any merit to exercise its revisional jurisdiction. Accordingly, the revision being devoid of merit stands dismissed.

(V. Narasingh)
Judge

Orissa High Court, Cuttack
Dated the 28th October, 2026/Basu
29.10.2026/Uploaded

Signature Not Verified
Digitally Signed
Signed by: BASUDEV NAYAK
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Reason: Authentication
Location: HIGH COURT OF ORISSA : CUTTACK
Date: 29-Oct-2026 19:21:50