



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 160 of 2026

*Gupta Distributors, Dolamundai
Cuttack*

..... *Petitioner(s)*

Mr. Prasanna Kumar Mishra, Adv.

-Versus-

Ashok Kumar Sahoo & Anr.

..... *Opposite Party(s)*

Mr. Abhisek Dash, Adv.

(for O.P.1)

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

13.03.2026

Order No.

04.

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the parties.
3. In filing this CRLMC, the Petitioner has prayed for quashing the order dated 07.05.2025 passed by the learned J.M.F.C.-III (Cog. Taking), Cuttack in 1 CC Case No.37 of 2024 vide Annexure-2.

Apart from the above, the Petitioner has also sought for a direction from this Court to the learned court in seisin over the matter for accepting the original documents to be filed by the Petitioner and proceeding accordingly as per law.

4. Learned counsel for the Petitioner submits that the Petitioner has filed 1CC Case No.37 of 2024 against the Opposite Parties before



the learned J.M.F.C.-III, (Cog. Taking), Cuttack. He further submits that one of the associate Mr. Prakash Chandra Nayak, was looking after the case, and was taking steps in the case. But, due to a road accident, Prakash Chandra Nayak died in November 2024. Since the case records and the original documents were within his possession, the Petitioner had not filed the original document in the court below for the purpose of taking cognizance.

5. Learned counsel for the Petitioner further submits that on 09.03.2025, the Petitioner had filed a time petition for filing of original documents and the same was allowed, posting the matter to 15.05.2025. He further submits that the case record was transferred to the court of learned J.M.F.C.-III as per the order of the learned C.J.M., Cuttack, and the Petitioner was totally ignorant about the transfer of the case record.
6. Learned counsel for the Petitioner further contends that even though the case was posted to 15.05.2025, learned J.M.F.C.-III, took up the case on 07.05.2025 and dismissed the complaint petition of the Petitioner. He further submits that the Petitioner immediately filed an application on 16.05.2025 for recalling the dismissal order dated 07.05.2026. However, the learned Magistrate rejected the said application without taking note of the fact that the case was dismissed before the date fixed, which was



beyond the knowledge of the Petitioner. Hence, the Petitioner is constrained to approach this Court.

7. In view of the aforesaid facts and circumstances, this Court is of the view that the order passed by the learned J.M.F.C-III, (Cog. Taking), Cuttack dismissing the complaint case should be reconsidered. Accordingly, the order dated 07.05.2025 passed by the learned J.M.F.C.-III, (Cog. Taking), Cuttack in 1CC Case No.37 of 2024, is hereby quashed. The learned J.M.F.C.-III (Cog. Taking), Cuttack is directed to proceed with the matter in accordance with law.
8. This CRLMC is, accordingly, disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge