



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.177 of 2026

Sribasta Lanchhan Barik *Petitioner(s)*

Mr. Soubhagya Swain, Adv.

-versus-

Subash Chandra Sahoo *Opposite Party(s)*

Mr. Panchanan Panigrahi, Adv.

CORAM:

HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

Order No.

ORDER

23.03.2026

05.

1. This matter is taken up through hybrid arrangement.
2. Heard learned counsel for the respective parties.
3. By filing the present CRLMC, the Petitioner has challenged the order dated 27.11.2025 passed by the learned 2nd Addl. Sessions Judge, Rourkela in Criminal Revision No.09/05 of 2025 arising out the order dated 04.02.2025 passed by the learned J.M.F.C., Rourkela in 1 C.C. Case No.10 of 2020 and allow the Petitioner to give evidence in shape of affidavit subject to cross-examination by the Opposite Party.
4. Perused the impugned order dated 27.11.2025 passed by the learned 2nd Addl. Sessions Judge, Rourkela in Criminal Revision No.09/05 of 2025. The relevant portion of the aforesaid order is extracted hereinbelow:



“8. In view of the matter and relying on the authority of the Apex Court, the petitioner being accused cannot be permitted to file an affidavit in lieu of examination in chief, as the provision U/s.145(1) only entails a complainant to tender evidence in such a mode, when the language of the provision is clear and plain, and provides only for one meaning it should be understood that the act speaks for itself. Therefore Section 145(1) is only concerned with adducing evidence on affidavit by the complainant in cases under the NI Act of 1881. Section 145(2) of the NI Act of 1881 clearly indicates the discretionary power vested on the court with regard to the summoning and examining of any person who has adduced his evidence on an affidavit in a proceeding under the act of 1881. Summoning and examining under Section 145(2) includes re-summoning and re-examining the witnesses who have already adduced their evidence through an affidavit under the section. Therefore there is no confusion as regards the provision enshrined in Section 145(1) of Negotiable Act. As Section 145(1) of the Negotiable Instrument Act only entails a complainant to tender evidence in affidavit mode and not to the accused, the order passed by the Ld JMFC, Rourkela needs no interference.

9. In the wake of aforesaid observation and discussion, the present criminal revision is dismissed.”

5. Upon perusal of the materials on record especially the impugned order, there appears no ground whatsoever to interfere with the aforesaid order. Hence, this Court does not want to interfere with the impugned order.



6. Accordingly, this CRLMC is dismissed.

(Dr. Sanjeeb K Panigrahi)
Judge

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