



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.137 of 2025

Sangram Pratap Bhanja

...

Petitioner

Mr. S.Roy, Advocate

-versus-

State of Odisha & another

...

Opposite Parties

Mr. A.K.Apat, Addl.PP

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER(ORAL)
26.03.2025**

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

2. This criminal revision is directed against the impugned order dated 15.02.2025 passed by the learned JMFC, Bhuban in GR Case No. 221 of 2018 refusing to discharge the petitioner from the criminal case.

3. Heard, Mr.Swapnil Roy, learned counsel for the petitioner who submits that not only there is factual mis-appreciation by the trial Court which is palpable from the impugned order, but also the learned trial Court has erroneously passed the impugned order refusing to discharge the petitioner while discharging other in-laws. It is, therefore very clear that the impugned order is unsustainable in the eye of law.

4. After hearing the learned counsel for the petitioner upon perusal of the record, since the



petitioner assails the impugned order refusing to discharge him from the criminal case in this revision, this Court reiterates that in a revisional jurisdiction appreciation of facts and evidence is impermissible, but the counsel for the petitioner mainly attacks the impugned order by pressing to appreciate the facts and materials collected by the prosecution. Merely because another view is possible, the Revisional Court cannot substitute its own view and if the trial Court finds a strong suspicion which is more than a mere suspicion about involvement of the accused in a criminal case disclosing commission of offences, it is sufficient for the said Court to frame charge against the said accused person.

5. In this case, while passing the impugned order, the learned trial Court has taken into consideration the charge sheet together with the documents including the statement of witnesses recorded U/S. 161 of CrPC, seizure list and finding prima facie material to presume the accused (petitioner) to have committed the offences, the learned trial Court has framed charge against the petitioner by rejecting the discharge petition after addressing the plea of the petitioner for discharge in negative, which is in fact mandate of Sec. 239/240 of the CrPC (Sec. 262/263 of BNSS). While assailing the impugned order in this revision, the petitioner neither could successfully refer to the prosecution materials to show any illegality committed by the learned trial



Court nor could made out any ground to discharge him from the criminal case. It is of course true that some of the in-laws have been discharged from the criminal case, but husband stands on a different pedestal in a criminal case of dowry torture and he cannot be equated with the in-laws in respect of allegation of dowry torture to his wife. In the aforesaid circumstance, this Court does not find any illegality or impropriety in the impugned order and, therefore, the criminal revision merits no consideration.

6. In the result, the criminal revision stands dismissed.

(G. Satapathy)
Judge

kishore

Signature Not Verified

Digitally Signed
Signed by: KISHORE KUMAR SAHOO
Designation: Secretary
Reason: Authentication
Location: High Court of Orissa
Date: 27-Mar-2025 14:06:21

