IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No. 692 of 2025

Madhusmita Nayak …. **Petitioner**

Mr. J.K.Khuntia, Advocate

-Versus-

State of Odisha & another. …. **Opposite party**

Mr. S.K.Swain, AGA

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER

Order No. **12.12.2025**

03. 1. Mr. Khuntia, learned counsel for the petitioner and Mr. Swain, learned AGA for the State.

2. Instant revision is filed by the petitioner challenging the impugned order dated 30th May, 2025 as at Annexure-4 passed in connection with G.R. Case No. 241 of 2012 by the learned SDJM, Panposh, Rourkela, whereby, an application under Section 239 Cr.P.C. as per Annexure-3 moved by him seeking discharge was rejected.

3. Referring to the F.I.R. i.e. Annexure-1 and a copy of chargesheet i.e. Annexure-2, it is submitted by Mr. Khuntia, learned counsel for the petitioner that there is no allegation of any receipt of the money collected from the investors by the petitioner and therefore, he could not have been chargesheeted by the local police. It is further submitted that the learned court below without considering the materials on record and the

nature of involvement of the petitioner, who was at the relevant point of time, a Cashier of the company, declined to discharge him and rejected the application filed under Section 239 Cr.P.C. and therefore, the impugned order dated 13th May, 2025 at Annexure-4 is liable to be interfered with and set aside.

4. On the contrary, Mr. Swain, learned AGA for the State would submit that the petitioner persuaded the investors and collected the money on behalf of the principal accused named in the F.I.R. and also chargesheeted and therefore, the learned court below considering the materials received along with chargesheet in its entirety declined to discharge him and rightly, rejected the application i.e. Annexure-3.

5. Perused the F.I.R. as at Annexure-1 and gone through the contents therein. In the chargesheet at Annexure-2, the details of the transactions which have taken place with the investors are described. The plea of the petitioner is that he was working as the Cashier, a staff of the Company at the time when the collection was made, hence, not involved and therefore, no offence under Section 420 IPC is made out against him. But, having regard to the fact that huge amount of money has been collected from the investors by the principal accused and with the involvement of the petitioner, admittedly, an employee of the Company and as a result, there has been a chargesheet alleging connivance and committing an offence under Section 420 IPC, the Court is of the conclusion that there has been no error or serious illegality having been committed by the learned

court below in denying his discharge and rejecting the application by him filed under Section 239 Cr.P.C.. Law is well settled that slightest suspicion of involvement is sufficient for frame the charge. In the case at hand, the petitioner's involvement is alleged and he was responsible in a way in the collection of money from the investors. Whether, the petitioner is really involved with the requisite intention to commit the offence is a matter to be gone into during trial and therefore, the Court reiterates its view that there has been no illegality committed by the learned SDJM, Panposh, Rourkela in declining discharge rejecting the application at Annexure-3.

6. Accordingly, it is ordered.

7. In the result, the revision petition stands dismissed.

(R.K.Pattanaik)
Judge

kabita