



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1993 of 2026

*Preetam Infrastructure Pvt. Ltd., Bhubaneswar* .... *Petitioner(s)*

*Mr. Soumendra Pattanaik, Adv.*

versus-

*State of Orissa & Anr.* .... *Opposite Party(s)*

*Mr. Debashish Nayak, AGA*

**CORAM:**

**HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI**

**ORDER**

**02.07.2026**

**Order No.**

**01.**

1. This matter is taken up through hybrid arrangement.
2. In filing the present CRLMC, the Petitioner being the issuer of the dishonored cheques in question and against whom the allegation of cheating is made, has prayed for quashing the impugned order dated 17.04.2026 passed by the learned JMFC(O), Bhubaneswar in 1CC Case No.2981 of 2025, wherein the petition at the instance of the Petitioner for recalling the P.W. No.1 for his further cross-examination has been rejected.

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 permitting him to conduct further cross-examination of the complainant/ P.W.1.

3. Heard.



4. Challenging the impugned order dated 17.04.2026, learned counsel for the Petitioner submits that though there is requirement of further cross-examination of the complainant/P.W.1 for proper and effective adjudication of the dispute involved in this matter, the learned Court in *seisin* over the matter rejected the petition at the instance of the Petitioner filed for the said purpose without even paying any attention to the grounds taken in the said petition. He contends that though the P.W.1 has already been examined, certain questions which are not put during his cross-examination, hinges on the fate of the case and said questions may decide the position of the present Petitioner.
5. He contends that in order to find-out the truth, there is requirement of further cross examination of the P.W.1 as he is the material witness. He also contends that admittedly, the Petitioner has not yet submitted the proposed questionnaires to be put to the P.W.1 before the learned Court in *seisin* over the matter. He, accordingly, prays for allowing the prayer made in this CRLMC.
6. At this juncture, learned counsel for the State, in his opposition, submits that the Petitioner is only attempting to linger the above noted proceeding by filing frivolous petitions. Hence, allowing the Petitioner to bring the P.W.1 to the dock again and again for cross-examination



is only the abuse of process of law and only to harass the complainant. He also contends that due to such activities of the Petitioner, trial in the above noted case is running in a senile pace which is not conducive to the criminal justice system. He, accordingly, prays for dismissal of this CRLMC.

7. Considering the submissions made on behalf of both the parties, this Court finds that though the provision under Section 311 of the Cr.P.C is wide, the said provision requires to be exercised sparingly and should not be utilized to fill up lacunas in the case of either of the parties. The said provision has also two parts; one is discretionary and the other one is mandatory. At this juncture, since the Petitioner had not submitted the questionnaires before the learned Court in *seisin* over the matter, this Court is of the view that the learned Court in *seisin* over the matter has rightly rejected the petition at the instance of the Petitioner vide impugned order dated 17.04.2026. However, in the interest of justice, the Petitioner should be provided another chance to conduct further cross-examination of the complainant/ P.W.1. This Court, therefore, while setting aside the impugned order dated 17.04.2026 passed in the above noted 1CC Case, directs the Petitioner to file a fresh application for further



cross-examination of the P.W.1 properly indicating the questionaries therein within fifteen working days hence.

8. It is also made clear that the Petitioner shall not be allowed to conduct further cross-examination of the P.W.1 not more than a day. The learned Court in *seisin* over the matter shall also try to conclude the trial at the earliest possible.
9. This CRLMC is, accordingly, disposed of.
10. Issue urgent certified copy of this order as per rules.

*(Dr. Sanjeeb K Panigrahi)*  
*Judge*