

D/L40
May 13,
2022
Bpg.

C.R.R. No.884 of 2013
With
CRAN 1 of 2013 (Old CRAN 1496 of 2013)

In Re: An application under Section 482 of the Code of Criminal
Procedure;

Bistu Kandher
Versus
N.S. Prakash Rao & Anr.

The present revisional application was preferred challenging the proceedings being C.R. Case No.1053 of 2012 pending before the learned Judicial Magistrate, 2nd Court, Paschim Medinipur under Sections 420/468 of the Indian Penal Code.

I have considered the contentions advanced in the revisional application which is in the nature of a counter-blast to the proceedings under Section 138 of the Negotiable Instruments Act which has been filed before the learned Judicial Magistrate, Loisingha, District-Bolangir, Orissa, being I.C.C Case No.16/2012 against the opposite party no.1.

In view of the settled principle of law as has been spelt out by the Hon'ble Supreme Court in the case of **Sunil Kumar Vs. Escorts Yamaha Motors Ltd. & Ors.** reported in **(1999) 8 SCC 468: 1999 SCC (Cri.) 1466: 1999 SCC Online SC 1112**, I am of the opinion that prima facie a case has been made out at the instance of the petitioner for interference. The present case has been instituted to circumvent the proceedings under Section 138 of the Negotiable Instruments Act pending at Orissa. Consequently, all further proceeding of C.R. Case No.1053/2012 under Sections

420/468 of the Indian Penal Code pending before the learned Judicial Magistrate, 2nd Court, Paschim Medinipur is hereby quashed.

Thus, CRR 884 of 2013 is allowed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby made absolute.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)