

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2508 of 2013

Sabita Rani Dhal.

....

Petitioner

-versus-

Ashok Leyland Finance.

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER
20.06.2022

Order No.

07.

1. This matter is taken up through Hybrid mode.
2. The petitioner in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) has prayed for quashing of the proceeding under Section 138 of the N.I. Act in I.C.C. Case No.39 of 2009, pending on the file of the learned S.D.J.M., Balasore.
3. Heard the learned counsel for the petitioner and the learned counsel for the opposite party.
4. Considering the facts and circumstances of the case, so also the submission advanced on behalf of the learned counsel for the petitioner, this Court is not inclined to quash the aforesaid proceeding.

5. Hence, this CRLMC filed for quashing of the aforesaid proceeding being devoid of merit stands dismissed.

6. However, liberty is given to the petitioner to raise all such defence plea and any other plea available to him during the hearing of the case before the Court below and in that event, the Court concerned shall address the same in proper perspective vis-à-vis the evidence on record. Since it is a case under the Negotiable Instruments Act and pending near about a decade, the trial Court is directed to proceed with the matter and dispose of the same as expeditiously as possible preferably within a period of six months of receipt of the certified copy of this order.

7. A copy of this order be communicated to the Court below forthwith.

(S. Pujahari)
Judge

MRS