

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3748 of 2011

Rama Chandra Sethi.

....

Petitioner

-versus-

State of Odisha & another.

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER

16.03.2022

Order No.

06.

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 orders dated 21.06.2011 and 30.08.2011 passed by the learned J.M.F.C., Soro in 1.C.C. Case No.227 of 2010 issuing N.B.W.(A) against him and rejecting his petition under Section 205 of Cr.P.C.
3. Heard the learned counsel for the petitioner and the learned counsel for the State. None appears for the opposite party no.2
4. It appears that the reasons assigned by the learned J.M.F.C., Soro while rejecting the prayer of the petitioner made

under Section 205 of Cr.P.C. are not germane for consideration of the prayer of the petitioner. The petitioner has been indicted in a complaint case for alleged commission of offence punishable under Section 138 of the N.I. Act. From the impugned order, it appears that the learned J.M.F.C., Soro without addressing the law in this regard rejected the prayer of the petitioner, hence the impugned order cannot be sustained.

5. Therefore, on consideration of the facts and submissions made, this Court directs the trial Court to dispense with his personal appearance putting such terms and conditions as mentioned in the case of *Bhaskar Industries Ltd. Vrs. M/s. Bhiwany Denim and Apparels Ltd.*, reported in AIR 2001 S.C. 3625.

6. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

MRS