

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 493 of 2013

Trupti Ranjan Das

....

Petitioner

Mr. Prasanta Ku. Sahoo, Advocate

-versus-

State of Orissa and another

.... ***Opposite Parties***

Mr. P.K. Muduli, AGA

**CORAM:
THE CHIEF JUSTICE**

**ORDER
20.05.2022**

Order No.

07. 1. Despite service of notice, none appears on behalf of the Opposite Party No.2- Complainant.
2. The short point urged in the present petition is that a complaint was filed under Section 138 of Negotiable Instruments Act (NI Act), 1881 beyond a period of one month from the date of dishonour of the Cheques in question. The Cheques which were dated 28th and 30th July, 2010 respectively, issued by the present Petitioner, were dishonoured upon presentation, on 2nd August 2010. As the complaint itself shows the statutory notice was issued by the Complainant only on 29th January 2011, i.e., much beyond the period of one month from the date of dishonour of the Cheques.
3. On that short ground, the complaint could not have been allowed to proceed and the order passed by the learned S.D.J.M., Khurda, taking cognizance of the offence under Section 138 of the NI Act in ICC No.99 of 2011 is unsustainable in law.

4. The said order of the S.D.J.M., Khurda is accordingly hereby quashed. The CRLMC is disposed of.

5. The Superintendent of the concerned Branch is directed to immediately communicate this order to the concerned subordinate Court.

(Dr. S. Muralidhar)
Chief Justice

S. Behera

