

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3677 of 2011

Bal Krishnan Nair

....

Petitioner

-versus-

Shree Ganesh Yadab

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

21.03.2022

Order
No.

04.

1. This matter is taken up by Hybrid mode.
2. Heard Mr. Sharma, learned counsel for the Petitioner and Mr. Nayak, learned counsel for the Opposite Party.
3. This application under Section 482 Cr.P.C. has been filed by the Petitioner for quashment of the order dated 24.07.2009 passed by the learned Addl. Sessions Judge, Rourkela in Criminal Appeal No.27 of 2009 dismissing the appeal for non-removal of defects pointed out in the office note.
4. Mr. Sharma, learned counsel for the Petitioner submits that the Criminal Appeal No.27 of 2009 cannot be dismissed for non-removal of defects, which was challenged against the order of conviction passed by the learned trial court.
5. No doubt, for non-removal of defect, an appeal cannot be dismissed, but it appears from the submission of Mr. Sharma that before admission, the aforesaid appeal preferred against the

order of conviction passed by the learned trial court under Section 138 of the N.I Act was dismissed for non-removal of defects and as such, such contention of Mr. Sharma is without any substance. Hence, at the belated stage, I am not inclined to give the Petitioner a chance to restore the appeal, which was dismissed for non-removal of defects.

6. Accordingly, this Criminal Misc. Case stands dismissed.

7. Interim order passed earlier stands vacated.

8. This order be communicated to the trial court immediately.

(S. Pujahari)
Judge

PKS

