

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.3893 of 2012

Sankar Prasad Das

....

Petitioner

Mr. Karnain Sattar, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. I. Mahanty, ASC and

Ms. P. Rath and associates, Advocates for Opposite Party No.2

CORAM:
THE CHIEF JUSTICE

Order No.

ORDER
08.07.2022

13. 1. On 20th December 2012, the following order was passed by this Court in Misc. Case No.2605 of 2012 in the present petition:

“Heard.

As an interim measure, it is directed that the N.B.W. issued against the Petitioner in 1.C.C. Case No.47 of 2009 pending before the learned Civil Judge (Sr. Division)-cum-J.M.F.C., Koraput shall not be executed till the next date subject to the petitioner depositing a sum of Rs.1,25,000/- (Rupees One lakh twenty five thousand) before the Registry of this Court within a period of three weeks from today.

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

2. Pursuant thereto, the Petitioner has deposited a sum of Rs.1,25,000/- on 7th January, 2013 and it has been with this Court since then.
3. Learned counsel appearing for Opposite Party No.2 had on the previous date sought time to obtain instructions whether Opposite Party No.2 would be willing to accept the above amount, which is

the cheque amount and agree to the quashing of case against the Petitioner under Section 138 of the Negotiable Instruments Act, 1981 (N.I. Act).

4. Learned counsel for Opposite Party No.2 today informs the Court that despite their efforts, they have not been able to contact Opposite Party No.2.

5. In that view of the matter, concerning the limited relief prayed for in the present petition, the non-bailable warrant (NBW) issued against the Petitioner in 1.C.C. Case No.47 of 2009 by the learned Civil Judge (Senior Division)-cum-J.M.F.C., Koraput is hereby quashed. The amount deposited by the Petitioner in this Court together with interest if any accrued thereon be released by the Registry in favour of the Petitioner on proper identification forthwith.

6. The case being 1.C.C. Case No.47 of 2009 will resume in the Court of S.D.J.M., Koraput and the Petitioner will appear before that Court on 5th September, 2022. All other pleas raised in the present petition are permitted to be urged before the concerned Court in accordance with law. The interim order passed earlier stands vacated.

7. The petition is disposed of.

8. The Superintendent of the concerned Branch is directed to immediately communicate this order to the concerned Subordinate Court.

(Dr. S. Muralidhar)
Chief Justice