

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1607 of 2013

Adhikari Sahoo

....

**Petitioner**

Mr. A. Das, Advocate

*-Versus-*

Sapneswar Sahoo

....

**Opposite Party**

**CORAM:**

**JUSTICE R.K. PATTANAİK**

**ORDER**

**24.06.2022**

Order No.

08.

1. This is an application under Section 482 Cr.P.C. filed by the petitioner challenging the impugned order dated 24<sup>th</sup> January, 2013 passed in I.C.C. Case No.20 of 2013 pending in the file of learned S.D.J.M., Dhenkanal.

2. Mr. Das, learned counsel for the petitioner submits that the complaint is not maintainable since the opposite party is a bank officer. The details of the grounds raised by the petitioner stand described and pleaded to the effect that the complaint would not have been entertained by the learned court below and therefore, the order of cognizance is bad in law and thus, to be quashed.

3. On perusal of the record, it appears that opposite party is yet to appear. In fact, no notice has been issued against the opposite party since 2013. By the time, the complaint was filed, the opposite party was in the bank which granted the loan. Notice to opposite party at this distance point of time may not also serve the purpose.

4. Considering the contention of the petitioner and submission of Mr. Das, the Court is not inclined to exercise its inherent jurisdiction in the facts and circumstances of the case and of the view that all the grounds indicated in the petition including the point of maintainability may be raised at the time of framing of charge by the learned court below and in the event, it so happens, the court shall do well to consider the same and pass appropriate order in accordance with law.

5. In the result, the CRLMC is disposed of.



(R.K. Pattanaik)  
Judge