

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMC No.1589 of 2012**

*Kailash Jena*

• • • •

***Petitioner***

*versus-*

***Mahindra & Mahindra Finance  
Service Ltd.***

• • • •

*Opposite Party*

**CORAM: JUSTICE S. PUJAHARI**

## ORDER

**25.04.2022**

**Order**  
**No.**

04.

1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 21<sup>st</sup> September, 2010 passed by the learned S.D.J.M., Balasore in I.C.C. No.83 of 2009, taking cognizance of the offence under Section 138 of N.I. Act.
3. Learned counsel for the Petitioner submits that he has no instruction in the matter from his client.
4. Considering the submission of the learned counsel for the Petitioner and the fact that the case is the year 2012, this Court is of the view that the Petitioner is a recalcitrant litigant and does not want to proceed with the matter.
5. Hence, this CRLMC stands dismissed for non-prosecution.

6. However, trial court is directed to proceed with the aforesaid case and conclude the same as expeditiously as possible, preferably within six months from the date of receipt of copy of this order, since it is a case under Section 138 of N.I. Act.

7. Interim order dated 10<sup>th</sup> July, 2012 passed by this Court stands vacated.

8. Order be communicated to the court concerned forthwith.

DA

