

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.492 of 2014

Bijay Bhusan Mohanty ***Petitioner***
M/s. A. Jena, Advocate and associates
-versus-
Manoj Kumar Acharya ***Opposite Party***
None

**CORAM:
THE CHIEF JUSTICE**

Order No.

ORDER
15.07.2022

04. 1. From the order dated 16th August 2013 of the SDJM, Bhubaneswar issuing summons to the present Petitioner for appearance, it is seen that on the issue of delay in filing a complaint petition, the learned SDJM has simply accepted the plea that when the limitation was about to be over, the Complainant fell ill. This cannot be a reason for condoning the delay in filing the complaint petition.
2. In that view of the matter, it appears that the SDJM has not really properly examined the issue before issuing summons to the present Petitioner.
3. Consequently, the impugned order dated 16th August 2013 is hereby set aside and the ICC Case No.4638 of 2013 is restored to the file of the SDJM, Bhubaneswar to be proceeded with afresh from the initial stage. After examining the issue of limitation, appropriate orders will be passed afresh by the SDJM,

Bhubaneswar. The aforementioned ICC Case will now be listed before the SDJM, Bhubaneswar on 20th September, 2022.

4. The CRLMC is disposed of in the above terms.

5. The interim order passed earlier in the present application stands vacated. A copy of this order be communicated to the concerned trial court forthwith.

6. Issue urgent certified copy of this order as per rules.

S.K. Guin

