

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3387 of 2016

Dillip Kumar Jena

....

Petitioner

Mr. Sidharth Goutam Das, Advocate
On behalf of Mr. L. Samantaray, Advocate
-versus-

Sri Satya Sandhani Samantara

....

Opposite Party

M/s. J.K. Panda, Advocate & Associates

**CORAM:
THE CHIEF JUSTICE**

**ORDER
18.11.2022**

Order No.

06. 1. One of the grounds on which the impugned order dated 8th October, 2015 of the learned S.D.J.M., Berhampur in I.C.C. No.431 of 2015 taking cognizance of the offence under Section 138 of Negotiable Instruments Act, 1882 (NI Act) against the Petitioner is that the aspect of limitation was not examined by the said S.D.J.M. before passing the order taking cognizance.
2. Having heard learned counsel for the parties, the Court is of the view that indeed the learned S.D.J.M. failed to examine if the complaint itself was time barred. This is particularly, in the context of the contention of the Petitioner that it is delayed by 20 days, which contention is opposed by learned counsel for the Complainant. Nevertheless, since this was an important aspect to be examined, the Court sets aside the impugned order dated 8th October, 2015 and remands the matter to the file of the learned S.D.J.M., Berhampur for the case I.C.C. No.431 of 2015 to be proceeded with from the initial stage in accordance with law.

3. The learned S.D.J.M., Berhampur will first examine the aspect of limitation and then proceed in accordance with law.

4. For the above purpose, I.C.C. No.431 of 2015 will now be listed before the learned S.D.J.M., Berhampur for directions on 19th December, 2022.

5. The CRLMC is disposed of in the above terms. The interim order passed earlier stands vacated.

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

S. Behera

