

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2828 of 2012

Aryan Ispat & Power Pvt. Ltd. ***Petitioner***

Mr. A. Tripathy, Advocate

-versus-

State of Orissa and another ***Opposite Parties***

Mr. J. Katikia, A.G.A. for the State

**CORAM:
THE CHIEF JUSTICE**

ORDER

08.04.2022

Order No.

05. 1. Aggrieved by an order dated 9th July 2012 passed by the learned SDJM, Sambalpur in ICC No.380 of 2008 calling two people as court witnesses for their examination, the Complainant in the aforementioned case under Section 138 of N.I. Act, has filed the present petition.
2. On 16th October 2012, this Court stayed the further proceeding in ICC No.380 of 2008 of the Court of learned SDJM, Sambalpur. The net result is that the Complainant has prejudiced his own case since it has not made any progress in the last over nine years. The better course would have been to permit the aforementioned two witnesses to be examined so that the complaint case itself could have been disposed of.
3. Consequently, the Court declines to interfere with the impugned order of the learned SDJM, Sambalpur dated 9th July 2012 and directs that the complaint case now be proceeded with from the stage it was and be concluded within a period of six

months. The interim order dated 16th October 2012 passed in the present application stands vacated. The Superintendent of the concerned Branch to immediately communicate this order to the concerned subordinate court. LCR, if any, be returned forthwith.

(Dr. S. Muralidhar)
Chief Justice

S.K. Guin

