

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1787 of 2022

Ranjan Kumar Sahoo ***Petitioner***

-versus-

Gangadhar Satpathy ***Opposite Party***

CORAM: JUSTICE S.PUJAHARI

ORDER

21.07.2022

Order
No.

01.

1. This matter is taken up by Hybrid mode.
2. This application under Section 482 Cr.P.C. has been filed by the Petitioner for quashment of the order dated 01.12.2021 passed by the learned S.D.J.M, Jharsuguda in ICC No.69 of 2021 wherein the learned S.D.J.M has rejected the petition filed under Section 205 Cr.P.C in a proceeding under Section 138 of the N.I Act.
3. Mr. Rath, learned counsel has entered appearance on behalf of the Opposite Party by filing Vakalatanama. The same be traced and tagged with the record.
4. Heard learned counsel for the Petitioner and the learned counsel for the Opposite Party.
5. After hearing learned counsel for the Petitioner and the learned counsel for the Opposite Party as well as the fact that the offence alleged against the Petitioner is under Section 138

of the N.I Act, so also the Petitioner is ready and willing to cooperate with the trial, this Court while setting aside the impugned order directs the learned trial court to dispense with the personal appearance of the Petitioner on such terms and conditions as it may deem fit and proper as well as taking into consideration the law laid down by the apex Court in the case of **Bhaskar Industries Ltd. Vrs. M/s. Bhiwany Denim and Apparels Ltd.**, reported in AIR 2001 S.C. 3625.

6. Since the matter is one under Section 138 of the N.I Act, learned trial court is directed to dispose of the same within six months hence. Furthermore, it is observed that the court may pass necessary order for depositing the amount under Section 143A of the N.I Act. Till then B.W. issued against the Petitioner shall not be executed.

7. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

PKS