

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1855 of 2022

Suresh Ranjan Sahoo ***Petitioner***
-versus-
M/s. Rukmini & Sons Infra Project Pvt. Ltd. ***Opposite Party***

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
26.07.2022

01. 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 23rd May, 2022 passed by the learned J.M.F.C., Angul passed in I.C.C. No.2360 of 2015 wherein N.B.W.(A) has been issued against him, as well as the entire proceeding.
3. Heard the learned counsel for the Petitioner.
4. Petitioner has sought for quashment of the order of N.B.W.(A) as well as the proceeding which has been initiated against him for alleged commission of offence under Section 138 of N.I. Act.
5. It appears that in the aforesaid case, the Petitioner has many points to show that the complaint is incompetent one including the maintainability of the complaint for many

cheques in a single complaint, so also the company being represented by the person who initiate the complaint as well the question of limitation.

6. As it appears, in this case, the evidence has already commenced and the Petitioner without any murmur or without complaint on the same, participated in the proceeding, but when the complaint evidence is closed and the case is posted for accused statement, the Petitioner has come to this Court challenging the maintainability of the proceeding on the aforesaid ground.

7. When the trial has substantially progressed, this Court does not want to adjudicate the same, as that would linger the proceeding. Further, the case is triable by summon procedure. But the Petitioner, if raised the aforesaid point during the argument, the trial court shall address the same in the manner known to law while rendering the judgment.

8. However, since it is submitted by the learned counsel for the Petitioner that N.B.W.(A) has been issued against the Petitioner for his arrest and the Petitioner is now ready and willing to surrender before the trial Court and cooperate with the trial, this Court directs that if the Petitioner surrenders to custody of the Court in seisin over the matter within six weeks hence and moves for bail, the Court in seisin over the matter shall allow him to go on bail on such terms and conditions including the condition that he shall cooperate with the trial.

9. Till the aforesaid date, i.e., either the date of surrender before the trial Court or on expiry of six weeks, whichever is earlier, the Petitioner shall not be arrested pursuant to the N.B.W.(A) issued.

10. With the aforesaid order, this Criminal Misc. Case stands disposed of.

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

(S. Pujahari)
Judge

DA

