

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLP No.73 of 2019

Apurba Ranjan Rout* *Petitioner

Mr. M.R. Dash, Advocate

-versus-

***1. State of Odisha* *Opp. Parties*
2. Sitansu Sekhar
*Mohanty***

Mr. J.P. Patra,
Addl. Standing Counsel

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
18.02.2022**

Order No.

07. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Learned counsel for the State on instruction received from the Inspector in-charge of Bhadrak Town police station submitted that the notice on the opposite party no.2 has been made sufficient on 30.12.2021.

Heard learned counsel for the petitioner.

It is submitted that the opposite party no.2 faced trial in the Court of learned S.D.J.M., Bhadrak in I.C.C. Case No.24 of 2017 for offence punishable under section 138 of the Negotiable Instruments Act, 1881 and the learned trial Court has acquitted him without any cogent reasons.

Learned counsel for the petitioner drew the

attention of this Court to paragraph-7 of the impugned judgment from which it appears that the learned trial Court held that the complainant has not kept any written document pertaining to lending of money and he could not produce that the accused had given him the cheque on his own signature and besides the possibility of blank cheque obtained by the complainant cannot be ruled out.

Learned counsel for the petitioner argued that there is no question of any blank cheque, in fact, the cheque was presented in the State Bank of India, Bhadrak and it was dishonoured on the ground of 'insufficient of fund' and thereafter, legal notice was given and in accordance with law, complaint petition was filed within the stipulated period.

Considering the submissions made by the learned counsel for the petitioner, leave is granted.

Learned counsel for the petitioner shall file the appeal memo within a period of four weeks from today whereafter, the appeal be placed for admission.

The CRLLP is disposed of.

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

(S.K. Sahoo)
Judge