

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1410 of 2016

Shasanka Sekhar Malik

....

Petitioner

-versus-

Siba Prasad Bhaumik

....

Opposite Party

CORAM:

THE JUSTICE S.PUJAHARI

ORDER

04.07.2022

Order
No.

03.

1. This matter is taken up through Hybrid mode.
2. Heard the learned counsel for the parties.
3. This application under Section 482 of Cr.P.C. has been filed by the Petitioner for quashment of the order dated 16.04.2016 passed by the learned J.M.F.C., Soro in ICC No.170 of 2012 wherein the learned J.M.F.C. has rejected the petition filed under Section 219 Cr.P.C read with Section 223 Cr.P.C. for trial of the said case along with another similar case pending vide ICC No.85 of 2012, as both the cases are triable by summary procedure.
4. Since the aforesaid case is triable by summary procedure, Section 219 Cr.P.C. would not be applicable as held by this Court in the case of **Durowelds Private Limited and others vrs. The Tata Iron & Steel Company Limited (TISCO)** reported in **(2003) 25 OCR 220**.
5. Learned counsel for the Petitioner fairly concedes the same.

6. In view of the same, I do not find any illegality or infirmity in the impugned order. However, since both the cases are pending against the Petitioner, though cause of action is distinct and different, in all fairness of things, the court concerned shall post both the cases on the same date, so that the same would not cause any hardship to the Petitioner and both the cases would be disposed of expeditiously.

7. With the aforesaid order, this CRLMC stands disposed of.

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

PKS



(S. Pujahari)
Judge