

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3323 of 2016

Sujata Das

....

Petitioner

Mr. Satya Ranjan Mulia, Advocate

-versus-

Chittaranjan Das

....

Opposite Party

None

**CORAM:
THE CHIEF JUSTICE**

Order No.

ORDER

18.11.2022

04. 1. The challenge in the present petition is to the order dated 7th April, 2014 passed by the learned S.D.J.M., Baripada in I.C.C. No.283 of 2013 taking cognizance against the Petitioner for the Offence under Section 138 of the Negotiable Instruments Act, 1882 (NI Act).
2. Admittedly, the complaint has been filed on the basis of the Petitioner having been the Director of Sunray Advisory Ltd., in whose behalf the cheque was issued. Further it is an admitted position that the said company has not been arrayed as an accused in the complaint.
3. It is settled position in law as explained in *Aneeta Hada v. Godfather Travels and Tours (P) Ltd. (2012) 5 SCC 661* that for the purpose of the offence under Section 138 of the NI Act, without the company which issued the cheque being arrayed as an accused,

it is not possible for the complainant to proceed only against the Directors.

4. On that short ground, the impugned order dated 7th April, 2014 passed by the learned S.D.J.M., Baripada in I.C.C. No.283 of 2013 is hereby set aside.

5. Accordingly, the petition is allowed but in the circumstances with no order as to costs.

6. The Superintendent of the concerned Branch is directed to immediately communicate this order to the concerned Subordinate Court.

S. Behera

