

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO. 862 OF 2022

Shyam Sundar Kejriwal ***Petitioner***
Mr. Pabitra Kumar Nayak, Advocate
-versus-
Tarun Bansal ***Opp. Party***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
26.09.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this CMP prays for a direction to set aside the order dated 17th May, 2022 (Annexure-7) passed by learned Senior Civil Judge, Rourkela in C.S. No. 206 of 2015, whereby an application filed by the Petitioner under Section 340 Cr.P.C. has been rejected.
3. In course of hearing, Mr. Nayak, learned counsel for the Petitioner submits that in view of the ratio decided in the case of ***Iqbal Singh Marwah and another –v- Minakshi Marwah and another***, reported in (2005) 4 SCC 370, an application under Section 340 Cr.P.C. can only be considered after the judgment is pronounced. Hence, he prays for withdrawal of CMP to work out his remedy in accordance with law.
4. In view of such submission, the CMP is disposed of as withdrawn.

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

(K.R. Mohapatra)
Judge