

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2762 of 2022

Kamala Kanta Sundaray

....
Mr. Gopinath Mishra, Advocate

Petitioner

-Versus-

Prakash Chandra Srichandan

....

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
29.11.2022

Order No.

03.

1. Heard learned counsel for the petitioner. Mr. D.R.Parida, learned counsel enters appearance for opposite party and files a Vakalatnama and the same is accepted and taken on record.
2. Instant petition under Section 482 of Cr.P.C. is filed by the petitioner assailing the impugned order of cognizance dated 10th October, 2010 in I.C.C. Case No.80 of 2012 pending in the file of learned JMFC, Pipili on the grounds stated therein.
3. Learned counsel for the petitioner submits that the alleged cheque amount which stood dishonoured was paid to the opposite party, the fact which is borne out of record and therefore, the impugned order under Annexure-1 is required to be interfered with and quashed.
4. Mr. Parida, learned counsel for opposite party No.2 on the other hand submits that the petitioner has approached this Court almost after ten years of the order of cognizance which is grossly

delayed and that apart, in the meantime, the trial has commenced and the complainant-opposite party has already been examined and further evidence is fixed to be before the learned court below on 6th December, 2022.

5. Considering the above submission of Mr. Parida, the Court is of the view that such a question as to payment or otherwise received by the opposite party with regard to the alleged cheque amount shall be subject to the evidence before the learned court below and therefore, the Court is not inclined to interfere with the impugned order of cognizance dated 10th October, 2012. In any view of the matter, the trial is underway and such question would be looked into by the learned court below.

6. Accordingly, it is ordered.

7. In the result, CRLMC stands dismissed. As a necessary corollary, the interim order passed by this Court in I.A. No. 2163 of 2022 dated 1st November, 2022 stands vacated.

(R.K. Pattanaik)
Judge