

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3045 of 2022

Chittaranjan Rout

....

Petitioner

Mr. Hrudananda Mohapatra, Advocate

-Versus-

State of Odisha and another

....

Opposite Parties

Mr. Rajesh Kumar Tripathy, ASC, OP No.1

None for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

03.11.2022

Order No.

02.

1. Heard learned counsel for the petitioner and learned counsel for the State. None appears for opposite party No.2 at the time of call.

2. In fact, the present challenge is as to the order dated 12th September, 2022 passed in ICC Case No.82 of 2016 pending in the file of learned S.D.J.M., Angul on the grounds stated therein.

3. Perused a copy of the complaint as at Annexure-1.

4. Learned counsel for the petitioner submits that the alleged payment on installments by the petitioner has been detailed in Annexure-3 series. It is further submitted that substantial amount to the tune of Rs.6.4 lac has already been paid by the petitioner to the complainant. It is informed to the Court that the petitioner had filed an application under Section 205 Cr.P.C. to dispense with the personal appearance of the petitioner vide order dated 26th October,

2017 but thereafter, the court below issued NBWA against him, which is pending execution.

5. It is a proceeding under Section 138 of the N.I. Act at the behest of opposite party No.2.

6. Having regard to the above facts and submission of learned counsel for the petitioner, the Court is of the view that the petitioner should be allowed to participate in the complaint proceeding on his appearance and also enable him to file affidavit in detail stating about the payments made. In fact, it is also claimed that there has been a compromise between the parties.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned S.D.J.M., Angul on or before 22nd November, 2022 in ICC Case No.82 of 2016 and in the event he surrenders within the time stipulated, the Court shall release him on bail subject to conditions and till then, execution of NBWA issued against him shall not be enforced.

9. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge