

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2162 of 2021

Minaketan Mohanty

....

Petitioner

-versus-

Swapnarani Baliarsingh

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

07.07.2022

Order No.

02.

1.This matter is taken up through Hybrid mode.

2.Heard learned counsel for the Petitioner.

3.This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 27.03.2018 passed by the learned S.D.J.M., Khordha in ICC Case No.62 of 2018 wherein the learned S.D.J.M has taken cognizance under Section 138 of the N.I Act against him.

4. Learned counsel for the Petitioner has challenged the order of cognizance on the ground that since there was no legally enforceable debt or liability, the Petitioner is not liable to dishonor of the cheque presented, which was admittedly drawn by him. However, the presumption being there in favour of the Complainant drawee and the aforesaid being the subject to proof during trial, this Court is of the view that the prayer made by the Petitioner to quash the cognizance is devoid of merit.

5. Accordingly, this CRLMC stands dismissed.

(S. Pujahari)
Judge

PKS

