

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2855 of 2021

Smt. Swaleha Khatun

....

Petitioner

-versus-

State of Odisha and another

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER
28.07.2022

Order No.

02.

1. This matter is taken up through Hybrid mode.
2. Petitioner's grievance in this case is that though she had no legally enforceable debt or liability but had given a blank cheque but the same had been misutilized and a complaint has been lodged. However in the complaint, the evidence was taken and the prosecution complaint has been closed. The accused though given a liberty to adduce rebuttal evidence for the offending cheque, the punishment that was made against her is improper, accordingly a prayer is made to adduce defence evidence but the court did not allow her to do so and closed her case. Now the case is posted for argument. However due to absent on repeated calls, NBW(A) has been issued against the Petitioner. From the order of the trial court, it is revealed that the Petitioner was given several opportunities to adduce defence evidence in the criminal trial and when Petitioner

remained absent on several calls, the trial court constrained to reject the time petition of the Petitioner and posted the case to 17.12.2021 for argument. Accordingly, a prayer has been made to quash the order dated 07.12.2021 under Annexure-1 and direct the trial court to allow the Petitioner to adduce defence evidence.

3. Perused the impugned order, so also consider the submission made by the parties. It appears that in the aforesaid proceeding the Petitioner is facing trial as an accused for dishonor of cheque. The proceeding is lingering since 2018 and the Petitioner appears to have contributed to delay in disposal of the same though the proceeding is required to be disposed of expeditiously. Therefore this Court finds no illegality or infirmity in closing the defence evidence and issuing NBW(A) for procuring the attendance of the accused Petitioner. However, as it is submitted that the Petitioner would surrender and make a motion for bail before the Court in seisin over the matter. If the Petitioner does so within a period of three weeks hence, allow him to be released on bail keeping an undertaking that he shall cooperate with the trial besides other conditions to be imposed.

4. With the aforesaid order, CRLMC stands disposed of.

5. Issue urgent certified copy as per rules.

(S. Pujahari)
Judge

Uks