IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.4139 of 2024

Rajalaxmi Mohanty .... **Petitioner**

Mr. P.K. Nayak, Advocate

-versus-

Anup Kumar Das .... **Opp. Party**

CORAM:

JUSTICE SIBO SANKAR MISHRA

Order No.	**ORDER** **19.12.2024**
01.	**1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
	2. The petitioner is aggrieved by the order dated 16.02.2024 passed by the learned S.D.J.M., Berhampur in I.C.C. Case No.485 of 2023 whereby the learned Court below has allowed the application moved by the opposite party for condonation of delay of two days in filing the complaint case.
	3. The petitioner is an accused in 1.C.C. Case No.485 of 2023 initiated by the opposite party against him for the alleged commission of offence punishable under Section 138 of the N.I. Act.
amit	**4.** Learned counsel for the petitioner submits that although in the compliant petition, the complainant/ opposite party has mentioned that there is no delay,

however, he has moved an application under Section 5 of the Limitation Act for condonation of delay of one day. The learned trial Court vide the impugned order has condoned the delay of two days while allowing the application of the opposite party. He further submits that the impugned order is a manifestation of complete non-application of mind because the complainant in the complaint stated that there was no delay. Subsequently, he moved an application stating that there is a delay of one day, whereas the learned trial Court passed the order condoning the delay of two days.

5. I am not inclined to entertain this petition at this stage on the trivial issue of condonation of delay of two days, rather leave it open to the petitioner to agitate before the learned trial Court at appropriate stage. If it bears any weight on law, the trial court may consider the same at the final stage.

6. With this observation, the CRLMC is disposed of.

(S.S. Mishra)
Judge

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Location: HIGH COURT OF ORISSA, CUTTACK
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