



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1073 of 2025

Nilamani Kar

....

Petitioner(s)

Mrs. Sujata Jena, Advocate

-versus-

Pramod Kumar Sethy

....

Opposite Party(s)

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER

24.03.2025

Order No.

01.

1. Heard.

2. The petitioner is aggrieved by the order dated 01.03.2025 passed by the learned JMFC (Cog.Taking), Cuttack in ICC Case No.49 of 2024 initiated by the opposite party against the petitioner for the alleged commission of offence under Section 138 of N.I. Act. The application moved by the petitioner under Section 205 Cr.P.C. has been turned down by the impugned order.

3. Mrs. Sujata Jena, learned counsel for the petitioner submits that the petitioner is facing a genuine problem domestically. The petitioner's parents are ailing and the wife of the petitioner is serving in a bank. Therefore, the petitioner needs to be there in house throughout for taking care of his parents and that's the reason he has moved an application seeking exemption from personal appearance before the learned JMFC (Cog. Taking), Cuttack being the resident of Balasore. But the trial court has rejected the said application



4. Issue notice to the opposite party by Registered Post/Speed Post with A.D., fixing short returnable date. Requisites shall be filed within three working days.
5. Regard being had to the fact that the cheque amount is Rs.4,00,000/-, I am of the considered view that the parties can explore the possibility of out of Court settlement as well. Therefore, the matter is relegated to the District Mediation Centre, Balsore for exploring possibility of the settlement. Both the parties shall appear before the District Mediation Centre, Balsore on 04.04.2025 at 11.00 A.M. and thereafter the Coordinator shall fix up a subsequent date for mediation.
6. Awaiting the mediation report, list this matter after four weeks.
7. In the meantime, the petitioner may move appropriate application before the learned trial court seeking adjournment in the matter owing to the fact that the present matter is pending subjudice before this Court. If such application is filed by the petitioner before the trial Court, the same shall be considered.

(S.S. Mishra)
Judge

Ashok

Signature Not Verified

Digitally Signed
Signed by: ASHOK KUMAR JAGADEB MOHAPATRA
Designation: Secretary
Reason: Authentication
Location: High Court of Orissa
Date: 25-Mar-2025 18:53:30

