

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.M.P. No. 574 of 2018

Smt. Moni Kumari Ojha Petitioner
Versus
1. The State of Jharkhand
2. Prity Kumari Opp. Party(s)

CORAM: HON'BLE MR. JUSTICE ANANDA SEN

(Through Video Conferencing)

For the Petitioner : Mr. Sachin Kumar, Advocate
For the State : A.P.P.

Order No. 06: Dated: 24th June, 2020

Per Ananda Sen, J.:

1. Heard the learned counsel for parties through video conferencing. They have no complain with respect to the audio and video clarity and quality.
2. Learned counsel for the petitioner submits that on bare perusal of the complaint itself it can be said that the cheque was issued by the petitioner to the opposite party but not against any debt. It is submitted that to honour a moral duty to maintain her sister the cheque was given, which was later on dishonoured on presentation. He submits that this amount cannot be said to be a debt in terms of section 138 of N.I. Act.
3. Considering the submissions, this Court feels that this applications needs to be heard
4. Admit
5. Since the opposite party not. 2 has appeared, no notice is required to be issued.
6. Till further order no coercive steps shall be taken against the petitioner in connection with C.C. /P.C.R. Case No. 432 of 2017

pending in the court of learned Sub-Divisional Judicial Magistrate, Sahebganj.

I.A. No. 5285 of 2019

7. In view of the above fact that stay has been granted to the petitioner, this interlocutory application stands disposed of.

(ANANDA SEN, J.)

MM