

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.11 of 2022

Gagan Behera @ Gagan Kumar ***Petitioner***
Behera

Mr. Suryakanta Dwibedi, Adv.

-versus-

State of Odisha ***Opposite Party***

Mr. Karunakar Gaya, ASC

CORAM:
JUSTICE S.K. PANIGRAHI

ORDER
20.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. The petitioner has filed this CRLMC assailing the order dated 09.12.2021 passed by the learned Ad hoc Additional Sessions Judge (FTSC), Nayagarh in T.R. Case No.22 of 2021 issuing N.B.W. against him.
4. Learned counsel for the Petitioner submits that the petitioner is on bail vide order dated 10.02.2021 passed by the learned A.D.J.-cum- Special Judge under POCSO Act, Nayagarh. He was regularly attending the court on each date of posting of the case. However, on 09.12.2021, the petitioner could not remain present in court due to communication gap between him and his conducting counsel. Hence, the learned Ad hoc Additional Sessions Judge (FTSC), Nayagarh issued N.B.W. against him.

He further submits that the petitioner undertake that he will cooperate till the end of the trial and appear before the court on each date of posting without fail, failing which, fresh N.B.W. shall be issued against him.

5. In view of such facts and submissions made by the learned counsel for the petitioner, this Court is inclined to allow the CRLMC. Accordingly, the order dated 09.12.2021 passed by the learned Ad hoc Additional Sessions Judge (FTSC), Nayagarh in the aforesaid case, so far it relates to issuance of N.B.W. against the petitioner, is hereby quashed.

6. The petitioner is directed to surrender before the court in *seisin* over the matter in the aforesaid case and move for bail within a period of fifteen days hence. On such event, the said court shall release him on bail with some stringent conditions so as to enable him to appear before the court on each date of posting of the case.

7. Accordingly, the CRLMC is disposed of.

8. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020 and Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge