

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2129 of 2012

Santosh Kumar Sahoo *Petitioner*
-versus-
State of Orissa *Opposite Party*

CORAM: JUSTICE S. PUJAHARI

ORDER

21.03.2022

Order
No.

- 04.
1. This matter is taken up through hybrid mode.
 2. Heard, the learned counsel for the Petitioner and the learned counsel for the State.
 3. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 9th September, 2011 passed by the learned J.M.F.C., Nimapara in G.R. Case No.766 of 1993 wherein N.B.W. has been issued against him.
 4. Learned counsel for the Petitioner submits that though the Petitioner has not been charge sheeted in the aforesaid case, N.B.W. has been issued against him wrongly. In this regard, he has drawn the notice to the Court of the order dated 6th June, 1994 passed by the learned J.M.F.C., Nimapara.

5. Considering the facts and submissions made, this Court dispose of this CRLMC with a direction to the Court in seisin over the matter that on production/receipt of the certified copy shall verify the record and if it is found that the Petitioner is not been charge sheeted in this case, still N.B.W. has been issued against him, the same shall be recalled. However, it is found that the Petitioner is at all wanted in the aforesaid case and the case is still pending against him, then if he surrenders and moves for bail, the Court in seisin over the matter shall allow him to go on bail on such terms and conditions including the condition that he shall cooperate with the trial.

6. It is also made clear that this order is not an impediment on the part of the police to proceed against the Petitioner in accordance with law for his apprehension before he surrender, if the police so desired.

7. With the aforesaid order, this CRLMC stands disposed of.

8. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

DA