

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 53 of 2022

Basanti Panda and another

....

Petitioners

*Mr. Swarup Kumar Patnaik,
Advocate*

-Versus -

State Of Odisha and others

Opposite Parties

....

*Mr. A. Pradhan,
Additional Standing Counsel*

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

27.01.2022

Order No.

2.

1. This matter is taken up through virtual mode.
2. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
3. The petitioners are accused persons in ICC No. 972 of 2021 pending in the court of learned JMFC, Balasore.
4. After appearance in the case, the personal attendance of the petitioners is said to have been dispensed with under Section 205 of Cr P.C.. Subsequently, on 15.12.2021 because of non-taking of steps on behalf of the accused persons, learned court below directed issuance NBW against them, which is impugned in the present application.
5. It is submitted that the lawyer appearing for the petitioners had not taken steps because of communication gap.
6. Having regard to the fact that the petitioners were earlier granted exemption from personal appearance in the case and the

default on the part of the lawyer was only on one date, this Court is inclined to allow the prayer of the petitioners. The impugned order insofar as relates to issuance of NBW against the accused persons is hereby set aside. The petitioners are permitted to appear before the trial court within two weeks hence and move for bail and in such event they shall be released on bail on such terms and conditions as the court below may deem fit and proper in the facts and circumstances of the case.

7. The CRLMC is accordingly disposed of.

8. As the restrictions due to resurgence of COVID-19 situation 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 concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos. 514 and 515 dated 7th January, 2022.

(Sashikanta Mishra)
Judge

B.C. Tudu