

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3017 of 2017

Sanjaya Das

.... Petitioner

Mr. Devashis Panda, Advocate

-versus-

State of Orissa

.... Opposite Party

Mr. Janmejaya Katikia

Additional Government Advocate

**CORAM:
THE CHIEF JUSTICE**

**ORDER
16.12.2022**

Order No.

04. 1. The following order was passed by this Court on 15th December, 2017:

“Learned counsel for the petitioner submits that N.B.W. under Annexure-2 has been issued without issuance of any summons or bailable warrant to the petitioner. In this context, he relies on a decision of the Supreme Court in the case of *Indra Mohan Goswamy – vrs- State of Uttaranchal* and others reported in (2007) 12 SCC 1.

Issue Notice.

Mrs. S. Patnaik, learned Addl. Government Advocate accepts notice on behalf of sole opposite party. One extra copy of the brief be served on her by Monday (18.12.2017).

In the interim, it is directed that the execution of N.B.W. issued vide Annexure-2 in connection with 2(b)CC No.13 of 2016 pending in the court of learned J.M.F.C., M. Rampur shall remain stayed until further orders.

Misc. is disposed of.

Issue urgent certified copy of this order on proper application.

A free copy of the order be handed over to Ms. S. Patnaik, learned Addl. Government Advocate.”

2. There is no opposition filed to the present petition till date.

3. Having heard learned counsel for the parties, this Court quashes the impugned order dated 9th June, 2017 passed in 2(b) CC No.13 of 2016 and quashes the N.B.Ws issued against the Petitioner. The Petitioner will now appear before the concerned Court on 6th February, 2023.

4. The CRLMC is disposed of in the above terms. The interim order passed earlier stands vacated.

5. The Superintendent of the concerned Branch is directed to immediately communicate this order to the concerned Subordinate Court. Issue an urgent certified copy of this order as per rules.

(Dr. S. Muralidhar)
Chief Justice

S. Behera