

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC NO.115 OF 2022

***Kalu @ Kalandi Charan
Sahoo & another***

....

Petitioners

Ms. A.Nayak, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr.K.K.Gaya, ASC

CORAM:

JUSTICE S.K. PANIGRAHI

ORDER

20.01.2022

**Order
No.**

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1. This matter is taken up by virtual mode
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners have filed this application to quash the order dated 22.07.2016 passed by the learned Asst. Sessions Judge, Nimapara in S.T.Case No.16/47 of 2007 issuing N.B.W. against the petitioner.
4. Learned counsel for the petitioners submits that due to communication gap between the petitioners and their lawyer because of death of father of the petitioner No.1 and death of husband of the petitioner No.2, they could not appear on the fixed date. Hence, the N.B.W. was issued against the petitioners on 22.07.2016. He further submits that the petitioners will appear before the court on each date of posting of the case.

5. Considering the aforesaid submissions and the facts of the case, this Court is inclined to allow the CRLMC. Accordingly, the order of issuance of N.B.W. against the petitioners on 22.07.2016 in S.T.Case No.16/47 of 2007 is quashed.

6. The petitioners are directed to surrender before the court in seisin over the matter in the aforesaid case within a period of fifteen days hence. On such event, the said court shall release them on bail with some stringent conditions so as to enable them to appear before the court on each date of posting of the case. In addition, the petitioners shall deposit a sum of Rs.3,000/- (rupees three thousand only) each as cost for violating the court's order. The said amount shall be deposited before the High Court Bar Associations Welfare Fund and copy of the said deposit shall be presented before the court in seisin over the matter.

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 Office Order dated 7th January, 2022.

(S.K.Panigrahi)
Judge

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