

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.120 of 2022

Maheswar Sethi @ Sethy

....

Petitioner

Mr.Arijeet Mishra, Advocate

Versus

State of Odisha

....

Opp. Party

Mr.S.S.Pradhan, AGA

CORAM:

JUSTICE SAVITRI RATHO

ORDER

08.02.2022

Order No.

01. 1. Heard Mr. Arijeet Mishra, learned counsel for the petitioner and Mr.S.S.Pradhan, learned Addl. Government Advocate through hybrid mode.
2. In this application under Section 482 Cr.P.C., the order dated 27.9.2019 passed in G.R. Case No.783 of 2006 arising out of Telkoi P.S. Case No.66 of 2006, now pending in the court of learned J.M.F.C., Telkoi, District:Keonjhar, has been challenged.
3. Although it has been stated in the prayer of the CRLMC that N.B.W. has been issued on 27.09.2019, perusal of Anneuxure-3, it is borne out that N.B.W. of arrest has been issued against the petitioner on 27.3.2019 by the learned S.D.J.M., Keonjhar. This has also been stated in the cause title and paragraph-1 of the CRLMC.
4. Mr. Arijeet Mishra, learned counsel for the petitioner states that during investigation of the case, the petitioner had been arrested on 07.01.2007 by the I.O. and forwarded to custody in the court of learned S.D.J.M., Keonjhar on 08.01.2007 but in view of the interim order passed in Misc. Case No.2179 of 2006 arising out of CRLMC

No.2427 of 2006 by this Court as further proceeding in G.R. Case No. 783 of 2006 has been stayed till 05.02.2007, the learned S.D.J.M., Keonjhar did not take the petitioner to judicial custody and set him at liberty.

5. CRLMC No.2427 of 2006 has in the meanwhile been disposed of on 30.11.2017 which is reflected in order dated 04.10.2018 passed in G.R. Case No.783 of 2006 of the learned S.D.J.M, Keonjhar.

6. On 03.11.2018, fresh summons have been issued to the accused person including the petitioner. On 27.3.2019 as S.R. of summons issued to the petitioner and one Smt. Bilasi Sethy were back after due service on repeated calls, accused persons were found absent and no steps were taken on their behalf, N.B.W. of arrest were issued against the petitioner and Smt. Bilasi Sethy.

7. Learned counsel for the petitioner submits that the petitioner is ready and willing to surrender before the learned court below but he apprehends arrest because N.B.W. of arrest has been issued against him. He also submits that a direction be issued to the learned court below to dispose of the application on the same date taking into account the background of the case and the fact that the petitioner has once been arrested in the case.

8. Considering the peculiar facts of the case, the CRLMC is disposed of granting liberty to the petitioner to surrender before the learned court below, i.e., J.M.F.C., Telkoi (before whom the case is pending) in G.R. Case No.783 of 2006. If the petitioner surrenders before the learned court below within a period of two weeks and moves an application for bail, the same shall be disposed of on the same day in the first hour so as to enable the petitioner to move the higher forum for bail in case of rejection on the same day.

9. The N.B.W. of arrest issued against the petitioner shall remain stayed for a period of two weeks from today.
10. Accordingly, the CRLMC stands disposed of.
11. Urgent certified copy of this order be granted on proper application.

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(Savitri Ratho)
Judge

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