

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.161 of 2022

Nakul Benia @ Narendra Naik @ Dharua Babu ***Petitioner***

Mr. B.C. Ghadei, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. M.K. Mohanty, ASC

CORAM:

JUSTICE S.K. PANIGRAHI

ORDER

02.02.2022

Order No.

01. 1. The matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner has filed this application under Section 482 of the Cr.P.C. to quash the order dated 14.09.2021 passed by the learned J.M.F.C., Sinapali in C.T. Case No.23 of 2020 issuing N.B.W. against him.
4. Learned counsel for the petitioner submits that the petitioner was granted bail by this Court vide order dated 03.08.2020 in BLAPL No.3224 of 2020. Since then, the petitioner was regularly attending the court. However, because of miscommunication between the petitioner and his conducting counsel, the petitioner failed to know the date of appearance. Hence, the N.B.W. was issued on 14.09.2021. The petitioner undertakes to appear before the court on each date of trial without fail.

5. In view of the aforesaid facts, the petitioner is directed to surrender before the court in seisin over the matter within a period of fifteen days hence. Upon his surrender, the court in seisin over the matter shall consider for releasing him on bail with some stringent conditions so as to ensure his regular attendance before the court on each date of posting of the case. In addition, the petitioner shall deposit a sum of Rs.1,000/- (rupees one thousand only) as cost for non-compliance of 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.

6. In view of the above, the order of issuance of N.B.W. against the petitioner on 14.09.2021 in C.T. Case No.23 of 2020 is quashed.

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 print out 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