

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.189 of 2022

Katia @ Pradeep Kumar Nayak ***Petitioner***
Mr. Dharmendra Sethy, 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 23.08.2016 passed by the learned S.D.J.M., Nilgiri in C.T. Case No.149 of 2008, arising out of Nilgiri P.S. Case No.84 of 2008 issuing N.B.W. against him.
4. Learned counsel for the petitioner submits that the petitioner was released on bail by the court below vide order dated 19.07.2008 passed in C.T. No.149 of 2008. Since the petitioner has violated the court's order, the N.B.W. was issued against him on 23.08.2016. Furthermore, as the petitioner is working in a company in Gujarat, he could not appear before the court on the date specified.

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.2,000/- (rupees two 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 23.08.2016 in C.T. Case No.149 of 2008 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