

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.4098 of 2011

Sriram Agarwal

• • • •

Petitioner

-versus-

Krupasindhu Gahan

• • • •

Opposite Party

CORAM: JUSTICE S. PUJAHARI

ORDER

21.03.2022

Order

No.

04.

1. This matter is taken up through hybrid mode.
2. Heard.
3. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 24th October, 2011 passed by the learned J.M.F.C., Talcher in 1.C.C. No.57 of 2009 wherein N.B.W. has been issued against him.
4. It is stated by learned counsel for the Petitioner that the personal appearance of the Petitioner was dispensed with, but on 24th October, 2011, without taking any steps, two petitions, i.e., one under Section 317 of Cr.P.C. to represent the Petitioner and another for adjournment of the aforesaid case having been filed before the trial court and that being not by any authorized person, the same were rejected and N.B.W.(A) has been issued

vide the impugned order against him. The petitioner is now ready and willing to cooperate with the trial.

5. Considering the facts and submissions made, though I am not inclined to quash the impugned order, but it is open to the Petitioner to surrender before the Court in seisin over the matter within eight weeks hence and if he surrenders and moves for bail, the Court in seisin over the matter shall allow him to go on bail on such terms and conditions including the condition that he shall cooperate with the trial. Furthermore, the trial of the aforesaid case shall also be concluded within six months hence.

6. It is also made clear that this order is not an impediment on the part of the police to proceed against the Petitioner to execute the warrant for his apprehension, if he fails to surrender before the court below within time stipulated.

7. With the aforesaid order, this CRLMC stands disposed of.

8. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

DA