

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 279 OF 2022

Pratima Das Adhikary & Anr.

.....

Petitioners

Mr. Bigyan Kumar Sharma, Adv.

-versus-

State of Odisha

.....

Opposite Party

Miss Sanjibani Mishra, ASC

CORAM:

JUSTICE V. NARASINGH

ORDER

03.03.2022

Order No.

02.

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. Bigyan Kumar Sharma, learned counsel for the petitioners and Miss Sanjibani Mishra, learned Additional Standing Counsel for the State.
3. The petitioners are aggrieved by the Order dtd. 24.11.2021 passed by the learned J.M.F.C., Bhubaneswar in G.R. Case No. 2525 of 2011 arising out of Bhubaneswar Mahila P.S. Case No. 152 of 2011.
4. On perusal of the record, it is seen that initially this Court by order dtd. 29.06.2017 in Misc. Case No. 421 of 2017 arising out of CRLMC No. 618 of 2017 had directed that there shall be interim stay of further proceeding of the G.R. Case adverted to

the above. Referring to the order passed by the Apex Court, the matter was taken up in right earnest by the learned Trial Court. On perusal of the order sheet it is seen that the case was initially posted to 06.05.2021 for Accused Statement. Subsequently, the case suffered by adjournments primarily due to cessation of work by the local Bar and on account of the members of the Bar being accommodated due to the ongoing pandemic.

5. Lastly, by the order dtd. 24.11.2021, the impugned order directing issuance of NBW was passed and it is stated at the Bar on 28.02.2022 petitioners applications under Section-313 (5) of Cr.P.C. was taken up for consideration.

6. Taking into account the factual matrix of the case at hand, the order dtd. 24.11.2021 directing issuance of NBW is hereby quashed.

7. Petitioners are to pursue their remedy, in the event the petition under Section 313(5) Cr.P.C. is decided against them.

8. The CRLMC thus stands disposed of.

9. Urgent certified copy of this order be granted as per rule.

(V.Narasingh)
Judge

Balaram