

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 465 of 2023

Gudu @ Priti Sagar Mohapatra

....

Petitioner

Mr. Biplan Kumar Dash, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.S.Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

30.01.2023

Order No.

- 01.
1. Heard learned counsel for the petitioner and Mr.Praharaj learned counsel for the State-opposite party No.1.
 2. Prayer in the present case is for quashing of the criminal proceeding of the impugned order dated 15th December, 2022 passed in C.T. Case No. 304 of 2021 arising out of Nilagiri P.S. Case No. 202 of 2021 pending in the file of learned SDJM, Nilagiri whereby NBWA has been issued against the petitioner.
 3. A copy of the F.I.R. is at Anneuxre-1.
 4. Annexure-2 is a copy of the impugned order dated 15th December, 2022.
 5. Learned counsel for the petitioner submits that the petitioner is not involved in the alleged incident as he was elsewhere and that apart, being a student, he is to appear the Semester examination which is to commence on and from 3rd February, 2023

and to continue till 13th February, 2023 and considering the same, he should be enlarged on bail with any conditions if the Court is not inclined to quash the impugned order dated 15th December, 2022. In response to the above, Mr. Praharaj, learned counsel for the State submits that the petitioner has approached earlier to this Court in ABLAPL No. 12338 of 2021 which was disposed of with a direction to surrender before the learned court below and apply for bail for consideration during 1st hour and thereafter by the Sessions court in 2nd hour and therefore, no relief should be granted to him at present which has been prayed for.

6. Whether the petitioner was involved or not is a matter for enquiry by the learned court below. The petitioner is at liberty to raise plea of alibi during and in course of trial. No such ground is really made out by the learned counsel for the petitioner for quashing of the impugned order dated 15th December, 2022. In fact, the Court does not find any reason to interfere with the order of issuance of NBWA dated 15th December, 2022.

7. At this juncture, learned counsel for the petitioner submits that since the Court is not inclined to quash the impugned order under Annexure-2, the petitioner should at least be directed to surrender and apply for bail in compliance of the Court's order dated 25th October, 2021 but with an interim protection till the examination is over. An objection is received from Mr. Praharaj, learned counsel for the State to the contention of the learned counsel for the petitioner against any such interim protection.

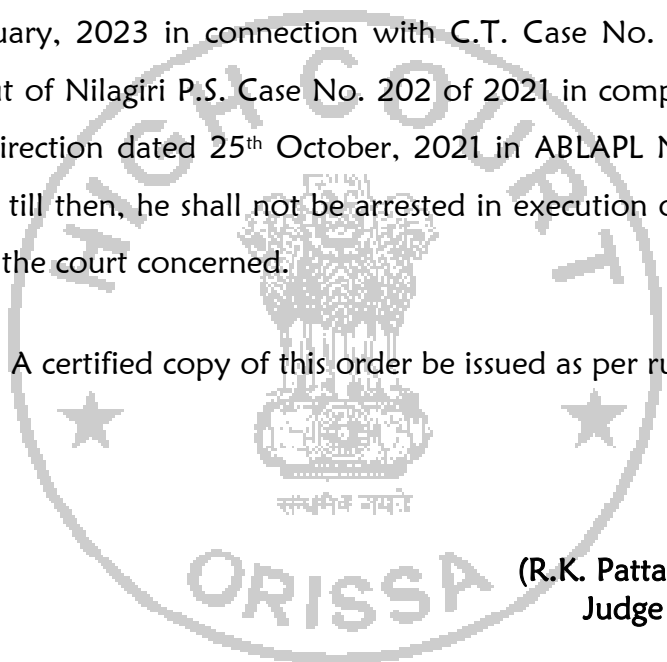
8. Though, the Court is not inclined to quash the impugned order under Annexure-2 which is absolutely justified and in accordance with law as it suffers from no legal infirmity but considering the fact that the petitioner is a student and he is to appear

the Semester Examination in support of which a Notification dated 12th January, 2023 issued by the Office of the Controller of Examinations, Maharaja Sri Ram Chandra Bhanja Deo University, Baripada, Mayurbhanj is produced, it is of the view that he should be interimly protected till the examination is concluded and thereafter, to comply the direction of this Court in ABLAPL No. 12338 of 2021.

9. Accordingly, it is ordered.

10. In the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the learned court SDJM, Nilagiri on 15th February, 2023 in connection with C.T. Case No. 304 of 2021 arising out of Nilagiri P.S. Case No. 202 of 2021 in compliance of the Court's direction dated 25th October, 2021 in ABLAPL No. 12338 of 2021 and till then, he shall not be arrested in execution of the NBWA issued by the court concerned.

11. A certified copy of this order be issued as per rules.



(R.K. Pattanaik)
Judge