

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.605 of 2022

Sk. Abdul Robial

....

Petitioner

Mr. Arun Kumar Das, Advocate

-versus-

State of Orissa

....

Opp. Party

Ms. S. Mishra, Additional Standing Counsel

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
13.4.2022

Order No.

01. 1. Heard Mr. A.K.Das, learned counsel for the Petitioner and Ms. S. Mishra, learned Additional Standing Counsel for Opposite Party – State.
2. It is submitted that the Petitioner has been arraigned as an accused in the charge-sheet for offences under Sections 420/406/467/468/471/120-B of the I.P.C. and under Section 4/5/6 of the Prize Chit Money Circulation Scheme (Banning) Act, 1978. The learned trial court while taking cognizance by order dated 6th February, 2016 issued NBW of arrest against the Petitioner. The Petitioner being unaware of such issuance of NBW against him could only came to know about the same when police searched him recently.
3. It is submitted on behalf of the Petitioner that since the offences alleged are relating to maximum punishment up to seven years, the

trial court at the first instance should issue summons instead of arrest warrant.

4. Upon hearing Ms. Mishra, learned ASC for State, it is seen that the offences alleged are with maximum punishment up to seven years and as per the ratio decided in the case of ***Satender Kumar Antil v. CBI and Anr., (2021) 10 SCC 773***, the cases falling under category 'A' punishable with imprisonment of seven years or less, ordinarily summons at the first instance should be issued. Further, the cases falling under category 'B' which are economic offences, on appearance of the accused in Court pursuant to process issued, the bail application to be decided on merit.

5. After considering the nature of allegations in the present case which involves collection of money with promise of high return to the depositors, the same are certainly falling under the category of economic offences, particularly when the provisions of Prize Chit and Money Circulation Scheme (Banning) Act are attracted.

6. Accordingly the CRLMC is disposed of with a direction to the Petitioner to appear before the the learned S.D.J.M., Dhenkanal in G.R. Case No.481 of 2013 on or before 5th May, 2022. In case the Petitioner applies for bail, his prayer for bail shall be considered in accordance with law including the ground of parity, if any applicable, on the same day. Till 5th May, 2022, the execution of NBW issued against the petitioner shall be kept in abeyance.

7. It is made clear that failing to appear by the Petitioner before the learned S.D.J.M. within the time stipulated above, this order shall not be given effect to.

8. An urgent certified copy of this order be issued as per rules.

(B.P. Routray)
Judge

M.K.Panda

