

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.639 of 2022

Asit Dalui

....

Petitioner

Mr.M.R.Acharya, Advocate

-versus-

State of Odisha

....

Opp.Party

Mr.K.K.Das, ASC

**CORAM:
JUSTICE B. P. ROUTRAY**

**ORDER
30.3.2022**

Order No.

2.

1. Heard Mr.Acharya, learned counsel for the Petitioner and Mr.Das, learned Additional Standing Counsel for the State.

2. The order dated 18th December, 2021 of the learned S.D.J.M., Nayagarh issuing N.B.W. of arrest against the Petitioner at the first instance is under challenge.

3. Mr.Acharya submits that the offence being under Section 420 of the I.P.C. only, N.B.W. should have not been issued at the first instance in violation to the principles engrafted under Section 41A of the Cr.P.C.

4. After hearing Mr.Das, learned Additional Standing Counsel for the State and upon perusal of the copy of the chargesheet as submitted by the Petitioner in course of hearing, which is kept on record, the CRLMC is disposed of granting liberty to the petitioner to surrender before the concerned court. In the event the petitioner surrenders within a period of six weeks from today and seeks his release on bail, the same shall be considered by the concerned court in accordance with law on the same day.

5. The execution of N.B.W. issued in pursuance to impugned order dated 18th December, 2021 shall be kept in abeyance for a period six weeks from today.

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

(B.P. Routray)
Judge

C.R.Biswal

