

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.665 of 2022

Khageswar Das

....

Petitioner

-versus-

State of Odisha & another

....

Opposite Parties

CORAM:

THE JUSTICE S.PUJAHARI

ORDER

11.08.2022

Order

No.

01. 1. This matter is taken up through Hybrid mode.
2. This application under Section 482 Cr.P.C. has been filed by the Petitioner for quashment of the order dated 29.06.2018 passed by the learned S.D.J.M, Balasore in ICC No.854 of 2017 wherein the learned S.D.J.M has issued N.B.W.A against him.
3. Learned counsel for the Petitioner submits that since the Petitioner is residing at Bhadrak he could not appear in the trial court on 29.06.2018 as such N.B.W.A has been issued against him. Thereafter, the Petitioner filed a petition under Section 205 Cr.P.C. to dispense with his personal appearance but the learned trial court rejected the said petition.
4. It appears that the case is of the year 2017. The order impugned is of the year 2018. The Petitioner has come to this Court at a belated stage. Therefore, this Court is not inclined to interfere with the impugned order.

5. However, it is stated that the Petitioner is ready and willing to cooperate with the trial court, this Court disposes of the Criminal Misc. Case with an order that if the Petitioner surrenders before the court in seisin over the matter and moves for bail within four weeks' hence, 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 deposit Rs.1,00,000/- (rupees one lakh) before the court in seisin over the matter and if the Petitioner does not cooperate with the trial, the amount so deposited shall be forfeited. So also if the Petitioner does not surrender within the time stipulated, there is no impediment to execute the N.B.W.(A) issued against the Petitioner thereafter.

6. Till the aforesaid date, i.e. either the date of appearance before the trial court or on expiry of four weeks, whichever is earlier, the Petitioner shall not be arrested pursuant to the N.B.W.(A) issued.

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

(S. Pujahari)
Judge

PKS