

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 4003 of 2015

Biren Singh

....
Mr. Debasnan Das, Advocate

Petitioner

-Versus-

State of Orissa

....
Mr. Tapas Ku. Praharaj, S.C.

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
22.08.2022

Order No.

- 02.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. has been filed challenging the impugned order dated 16th April, 2015 passed by the 3rd Additional District Judge, Cuttack in S.T. Case No.555 of 2010 rejecting an application filed by the petitioner under Section 317 Cr.P.C. to be represented through his lawyer and subsequently, for having issued NBW against him.
 3. Learned counsel for the petitioner submits that though the petitioner filed an application under Section 317 Cr.P.C. and no doubt the trial was in progress, the court below without any reason rejected the same and issued NBW, which is therefore required to be interfered with and set aside by this Court.
 4. Learned counsel for the State justified the order dated 16th April, 2015 passed by the learned 2nd Additional District Judge,

Cuttack in S.T. No.555 of 2010 for having no infirmity being pointed out.

5. Considering the fact that the petitioner though not present in the court below but had filed an application under Section 317 Cr.P.C. to be represented by his counsel and notwithstanding the fact that the trial was in progress at the relevant point of time, the Court is of the view that the petitioner should be directed to surrender before the court below on a date fixed and released on bail with conditions,

6. This Court accordingly directs the petitioner to surrender before the court below on 5th September, 2022 in connection with S.T. Case No.555 of 2010 and on his surrender, he shall be released on bail on such terms and conditions as would be imposed with a further condition to file an undertaking to remain present and not default at any time during the trial till its conclusion.

7. With the above direction, the CRLMC stands disposed of.

(R.K. Pattanaik)
Judge

U.K.Sahoo