

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1072 of 2022

Mantu Dehury *Petitioner*
-versus-
State of Odisha *Opposite Party*

CORAM: JUSTICE S. PUJAHARI

ORDER

21.06.2022

Order
No.

- 02.
1. This matter is taken up through hybrid mode.
 2. Heard the learned counsel for the Petitioner and the learned counsel for the State.
 3. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 18th June, 2019 passed by the learned Sessions Judge-cum-Special Judge, Keonjhar in Special Case No.81/35 of 2013-14, corresponding to G.R. Case No.107/2013, wherein N.B.W.(A) has been issued against him.
 4. Petitioner has been indicted in a case under the POCSO Act and released on bail. However, as it appears, on 18th June, 2019, the counsel for the Petitioner files a petition under Section 317(1) of Cr.P.C. before the court below to dispense with personal appearance of the Petitioner along with a petition for time, but the same has been rejected.

5. It is stated that on that date, time was sought for framing of charge. The case is of the year 2014. In spite of the release of the Petitioner, he has not cooperated with the trial court for framing of charge.

6. In such premises, no fault can be found with the trial court for issuing of the N.B.W.(A) against the Petitioner.

7. Accordingly, this Criminal Misc. Case filed challenging the order of issuance of N.B.W.(A) is devoid of merit and, as such, the same stands dismissed.

8. However, it is stated that the Petitioner would appear within two weeks hence and cooperated with the framing of charge.

9. If that be so, on appearance of the Petitioner and after charge is framed, if he renews his prayer for bail, the trial court may consider the same sympathetically, as he was on bail.

(S. Pujahari)
Judge

DA