

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1002 OF 2020

Shakti Prasana Sahoo

***..... Petitioner
Mr. K.N. Das, Adv.***

-versus-

State of Odisha & Anr.

***..... Opposite Parties
Miss Sanjibani Mishra, ASC***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
04.04.2022**

**Order No.
02.**

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. K.N. Das, learned counsel for the petitioner and Miss Sanjibani Mishra, learned Additional Standing Counsel for the State.
3. At the out set, it is stated by the learned counsel for the petitioner that his father's name is Kunja Bihari Sahoo as stated in Annexure-5. Wrong description has been reflected in the charge-sheet referring to him as Chagala @ Sakti Prasanna Sahoo, S/o. Madhusudan Das,
4. Being aggrieved by the Order dtd. 20.09.2019 passed by the learned S.D.J.M., Puri in G.R. Case No. 195 of 2019 arising out of Puri Town P.S. Case No. 17 of 2019, directing issuance of NBWA, this present CRLMC has been filed.

5. On perusal of the materials on record, it is seen that the petitioner is a Government Servant, presently working as Fireman in Malkangiri Fire Station, At/PO/Dist: Malkangiri.

6. It is seen that the charge-sheet has been filed on 20.10.2019 citing the petitioner No.2 as one of the accused. Showing him as an absconder, for which the impugned order 20.09.2019 has been passed.

7. Learned counsel for the petitioner submits that, because of the discrepancy in the name of the father of the petitioner, he has been shown as an absconder, whereas he is a Government Servant who was all along available, ready and willing to cooperate with the investigation.

8. On consideration of materials on record, this Court does not find any justification in issuance of the impugned Order dtd. 20.09.2019, the same is accordingly set aside. Liberty is granted to the petitioner to surrender within a period of three weeks hence before the learned Court in seisin of the matter and on such surrender the petitioner shall be released on bail on such terms to be fixed by the learned Court in seisin of the matter.

9. The CRLMC thus stands disposed of.

10. Urgent certified copy of this order be granted as per rule.

