

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMC No.2201 of 2012**

***Debendranath Balabantaray***

....

***Petitioner***

Mr. B.K. Parida, Advocate

*-versus-*

***M/s. Komal Enterprises, Jeypore***

....

***Opp. Party***

Mr. P.V. Balakrishna, Advocate

**CORAM:**

**JUSTICE CHITTARANJAN DASH**

**ORDER**

**14.10.2022**

**Order No.**

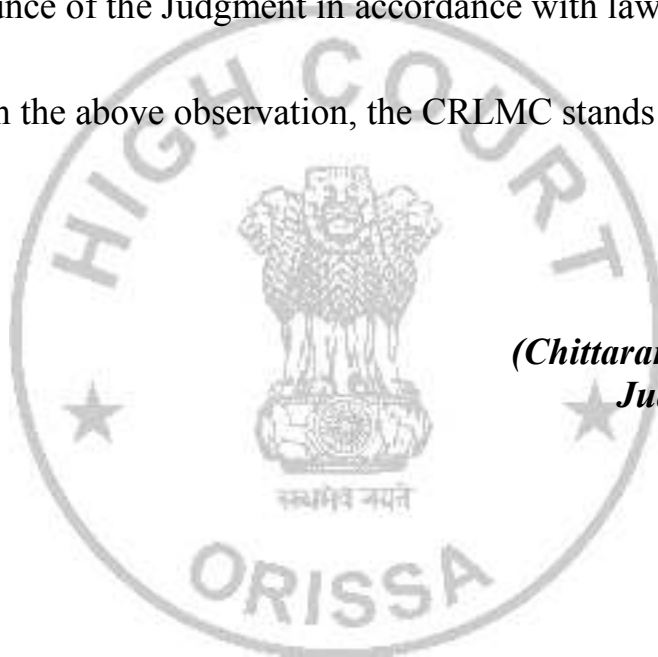
06. 1. Mr. B.K. Parida, learned counsel appears on behalf of Mr. M.R. Tripathy is present on call.

2. By means of this application, the Petitioner seeks to challenge the order dated 17<sup>th</sup> July, 2012 passed by the J.M.F.C., Jeypore in ICC No.10 of 2007. The impugned order reveals that the case was posted for judgment and the Petitioner could not appear and filed a petition praying for grant of 10 days time which was rejected and NBW was issued.

3. One thing that disturbs the Court most is that where in an eventuality the grant of an adjournment could have disposed of the matter at least a decade before, the rejection thereof put the entire criminal process to complete jeopardy. Therefore, while granting or rejecting a prayer for adjournment the court must remain alive and pass an order looking to the overall circumstances without getting swayed by sentiment but by a judicious approach. In the instant case the Petitioner sought for an adjournment before the learned court below on the day the case was posted for pronouncement of Judgment. It might appear

to the court that the accused avoided for some reason and declined the adjournment but in the process the entire exercise of the court remained stalled for almost a decade not only showing pendency of a case but it abused the process of law. Be that as it may, the Petitioner is directed to surrender before the learned court below not later than 28<sup>th</sup> October, 2022 in which event the learned court below shall do well in admitting the Petitioner to bail on such terms and conditions as deem just and proper including the condition that he shall appear in person till pronounce of the Judgment in accordance with law.

4. With the above observation, the CRLMC stands disposed of.



**(Chittaranjan Dash)**  
**Judge**