

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1978 of 2018

Sri Prasant Chandra Mohapatra ***Petitioners***
and others

-versus-

State of Odisha and another ***Opposite Parties***

CORAM: JUSTICE S. PUJAHARI

ORDER

04.04.2022

Order
No.

03.

1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to quash the portion of the order dated 15th December, 2014 passed by the learned S.D.J.M., Keonjhar in 2(b)C.C. Case No.88 of 2014 wherein N.B.W. has been issued against them.
3. Heard.
4. As it appears, the Petitioners have been indicted in a case under Section 27(3)(b)&(c) of Orissa Forest Act, 1972 and they are the officials of O.M.C., but the Opposite Party No.2- Forest Range Officer, BJP Range, Keonjhar filed the

prosecution report before the learned S.D.J.M., Keonjhar, as such, a forest case was initiated and registered the aforesaid complaint wherein showing Petitioners as absconder.

5. It is stated that no notice was issued by the Opposite Party No.2-Forest Range Officer, BJP Range, Keonjhar, but without issuing any notice under Section 160 of Cr.P.C., they have been shown as absconder and the Court also without application of mind issued N.B.W. against the Petitioners at the first instance for their apprehension. Thereafter, the Petitioners filed a petition under Section 205 of Cr.P.C. having been rejected, they have come to this Court challenging the same.

6. On consideration of the facts and submissions made, especially the fact that even if N.B.W. has been issued, this Court in the case of ***Debasis Samantaray v. State of Orissa and another, reported in 2003 (II) OLR – 219*** have held that a petition under Section 205 of Cr.P.C. is maintainable.

7. Accordingly, the Criminal Misc. Case is disposed of by setting aside the impugned order and with a direction to the learned S.D.J.M., Keonjhar to consider the petition of the

Petitioners filed under Section 205 of Cr.P.C. to dispense with their personal attendance, especially taking note of the fact that they are the officials of the O.M.C. and their daily appearance is not in the interest of public.

(S. Pujahari)
Judge

DA

