

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.7408 of 2022

Immat Alli @ Emam Alli Khan and Petitioners
another

Mr.D.N.Pattanaik, Advocate

-versus-

State of Odisha Opposite Party
Mr.P.C.Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
15.03.2023

Order No.

02.

I.A.NO.311 of 2023

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This Interlocutory Application has been filed seeking modification of order dated 20.07.2022.
3. It is submitted by the learned counsel for the Petitioners that at the time of surrender, the Petitioner No.2 came to learn that Petitioner No.2 has another similar criminal antecedent. As such he could not surrender in time.
4. Considering the submissions made by the learned counsel for the Petitioner, this Court is inclined to modify the order dated 20.07.2022 to the effect that in the event the Petitioner No.2 has more than one criminal antecedent, the order shall not be given effect to. Further, the release of Petitioner No.2 shall be subject to furnishing a cash security of Rs.5000/- (Rupees Five thousand)

before the court in seisin over the matter.

5. In view of the aforesaid modification, four weeks' further time from today is granted to the Petitioner No.2 to surrender as per order dated 20.07.2022, but subject to depositing cost of Rs.500/- (Rupees five hundred) by the Petitioner No.2 in the Advocates' Welfare Fund of the Orissa High Court Bar Association within 15 days from today and furnishing money receipt thereof in proof of the said deposit.

6. It is made clear that, if cost is not paid within the aforesaid stipulated time, then the extension period to surrender shall stand automatically revoked.

7. The I.A. is accordingly disposed of.

8. Issue urgent certified copy of this order as per Rules.

RKS

