IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2018 of 2016

Sarojini Champati .... ***Petitioner***

-versus-

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

CORAM: JUSTICE S. PUJAHARI

ORDER

Order No. **16.02.2022**

04. 1. This matter is taken up through hybrid mode.

2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to set aside the order dated 12th August, 2014 passed by the learned A.D.J.-cum-Special Judge, Vigilance, Bhubaneswar in T.R. No.51 of 2009 wherein N.B.W. has been issued against her and consequently she be released on bail with further prayer to quash the aforesaid proceeding.

3. Heard the learned counsel for the Petitioner and the learned counsel for the Opposite Party No.1. No one appears on behalf of the Opposite Party No.2.

4. The Petitioner has sought for quashment of the aforesaid proceeding on the ground that all the dues have been paid.

5. However, counter affidavit has been filed on behalf of the Opposite Party No.2 indicating therein that the offence, which is theft of electricity, is against the society, the aforesaid proceeding should not be quashed.

6. Mr. S.K. Mishra, learned counsel appearing for the Petitioner, however, submits that since prima facie the case is not made out against the Petitioner, the aforesaid proceeding be quashed. But the same appears to be without any substance.

7. In such premises, I am of the view that the ground on which the quashment of the aforesaid proceeding is sought for is devoid of merit.

8. Accordingly, the CRLMC stands dismissed.

9. However, it is stated that the Petitioner was on bail, but subsequently summon was issued, pursuant to which, she having not appeared, N.B.W. has been issued against her, this Court directs that on appearance of the Petitioner before the Court in seisin over the matter, she be released on bail on such terms and conditions as it may deem fit and proper.

(S. Pujahari)
Judge

DA