

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2168 of 2016

Tushar Kanta Nayak and another

Petitioners
....
Mr. A. Tripathy, Advocate

-versus-

State of Odisha and others

Opp. Parties
....
Mr. N.K. Praharaj, AGA

**CORAM:
JUSTICE CHITTARANJAN DASH**

Order No.

**ORDER
16.09.2022**

04. 1. Learned counsel for the Petitioners seeks to quash the order dated 9th May, 2016 passed in I.C.C. No.21 of 2016 pending before the learned S.D.J.M., Nayagarh. In course of hearing, it is submitted by the learned counsel that it is suffice if an order is passed directing the Petitioners to surrender before the learned court below and be allowed to take the entire plea that is taken here in this petition.
2. Accordingly, while not interfering with the merits of the case, without invoking jurisdiction under Section 482, Cr.P.C, this Court refrains from passing an order directing the Petitioners to surrender before the learned court below since it is a voluntary act on the part of the Petitioners. However, if so advised to surrender and the Petitioners surrender within 15 days of passing of this order, the learned court below while entertaining the prayer for bail shall do well in passing appropriate order in

accordance with law on its own merit taking into account the nature of duties, chance of fleeing away from the jurisdiction of the Court etc;

3. With the above observation, the CRLMC is disposed of.

(Chittaranjan Dash)
Judge

KC Bisoi

