

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1904 of 2022

Prakash Kumar Panda @ Nanda

Petitioner

Mr. A.R. Panda, Advocate

-Versus-

State of Odisha

.... Opposite Party

Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
08.09.2022

Order
No.

01. 1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the order issuance NBW dated 23rd November, 2009 in connection with G.R. Case No.447 of 2009 pending before the learned S.D.J.M., Jajpur on the grounds stated therein.
3. Perused the FIR i.e. Annexure-1 and a copy of the charge sheet which is at Annexure-2.
4. In fact, under the impugned order dated 23rd November, 2009, the learned court below later to the receipt of the charge sheet took cognizance of the offences and proceeded to issue NBW against the petitioner which is pending execution till date.
5. Learned counsel for the petitioner submits that it is a year old case and the petitioner stands implicated for the offence under Section 394 IPC and Sections 25 and 27 of the Arms Act. It is further

submitted that some of them having been released on bail and having regard to the above, the petitioner should be directed to surrender and move for bail with an observation that the court below shall consider parity in view of release of other accused persons which is objected to by the learned counsel for the State on the ground that prima facie a case is made out and rightly the learned court below issued NBW as the petitioner was shown as an absconder. Having regard to the above facts, the Court is not inclined to interfere the impugned order i.e. Annexure-3 and hence, it calls for no interference.

6. In the result, the CRLMC stands dismissed. However, the petitioner is at liberty to surrender before the learned S.D.J.M., Jajpur on or before 19th September, 2022 in connection with G.R. Case No.447 of 2009 and in the event of his surrender, the court shall consider plea for bail and pass appropriate order in accordance with law and in the event of rejection to move the higher forum which shall consider it on the same day keeping in view release of other accused persons if at all parity applies.

7. An urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU