

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.229 of 2017

Udaya Kumar Sahoo

....

Petitioner

None

-versus-

State of Odisha

....

Opposite Party

Mr. Iswar Mohanty, ASC

CORAM:
JUSTICE M.S. RAMAN

ORDER
11.11.2022

Order No.

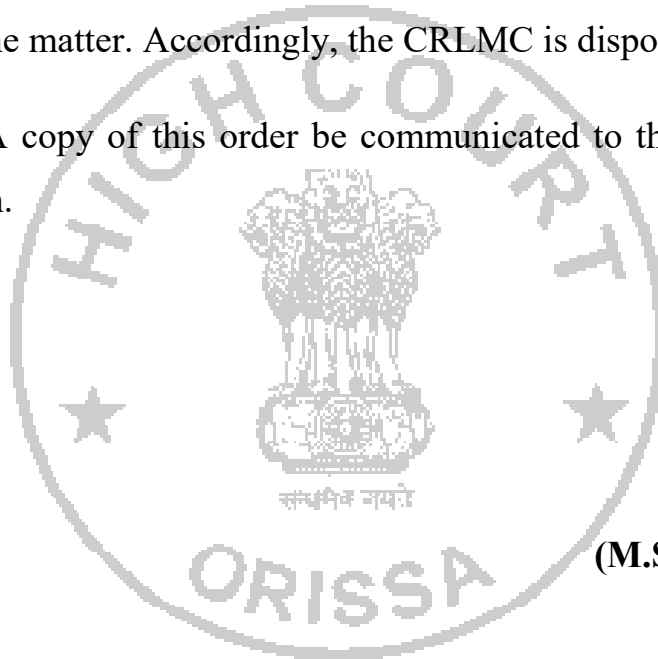
- 03.** 1. Challenging is laid to the order of N.B.W. dated 5th December, 2011 passed in G.R. Case No.813 of 2002 by the learned J.M.F.C., Chandikhole, by the Petitioner under Section 482 Cr.P.C. with a prayer to quash the said order.
2. Perusal of the order dated 17th April, 2003 (Annexure-2) reveals that Investigating Officer had submitted the charge sheet under Section 509/353/506, IPC against the Petitioner (Udaya Kumar Sahoo) and the learned J.M.F.C., Chandikhole had taken cognizance on the said date.
3. Copy of Order-sheet *vide* Annexure-2 reveals that since the accused person remained absent on 5th December, 2011, N.B.W. was issued. Long thereafter, on 25th October, 2016, the learned J.M.F.C. Chandikhole had passed the following order:-

*“Accused is absent. NBW has not yet been executed.
Remind the IIC of the concerned P.S. Put up on 8th April,
2017 for production.”*

4. Mr. Iswar Mohanty, learned Additional Standing Counsel submitted that prayer of the Petitioner does not reveal quashing of the subsequent order passed in 2016 whereas only prayer is made in the petition to quash the order dated 5th December, 2011 and by efflux of time, the matter would have been proceeded further substantially.

5. Keeping in view such submission and taking note of fact of non-appearance of learned counsel for the Petitioner at the time of call today, it is construed that the Petitioner is not interested to pursue the matter. Accordingly, the CRLMC is disposed of.

6. A copy of this order be communicated to the Court below forthwith.



(M.S. Raman)
Judge