

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2122 of 2022

Chandravanu Jena

.... Petitioner
Mr. M.R. Mishra, Advocate

-Versus-

Brushabhanu Rout and another

.... Opposite Parties

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
09.09.2022

Order
No.

01.

1 Heard learned counsel for the petitioner and learned counsel for opposite party No.2.

2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner challenging the impugned order i.e. Annexure-2 whereby an application under Section 205 Cr.P.C. which was moved by the petitioner was rejected and thereafter, NBW was issued against him on the grounds stated therein.

3. Learned counsel for the petitioner submits that personal exemption in appearance before the learned court below was prayed for in terms of Section 205 Cr.P.C. but it was rejected by the impugned order i.e. Annexure-2 and in absence of the petitioner, coercive action was taken by issuing the NBW which is unjustified. A copy of the application under Section 205 Cr.P.C. is at Annexure-1.

4. Formal objection is submitted by the learned counsel for the State. In the facts and circumstances of the case, the Court is of the view that instead of considering the merits of the impugned order

with regard to exemption in appearance, the petitioner should be directed to surrender before learned court below in connection with 1CC No.68 of 2021 and go on bail subject to condition.

5. Accordingly, it is ordered.

6. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender on or before 28th September, 2022 before the learned J.M.F.C., Chandikhol in 1CC No.68 of 2021 and in the event of his surrender, court shall release him on bail with conditions as deemed just and proper in the facts and circumstances of the case.

(R.K. Pattanaik)
Judge

TUDU

