

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2173 of 2022

Padma Mukha Sabar

....

Petitioner

Mr. J.N.Panda, Advocate

-Versus-

State of Odisha

....

Opposite Parties

Mr.Purna Chandra Das, ASC

**CORAM:
MR. JUSTICE R.K. PATTANAİK**

**ORDER
22.08.2022**

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 challenging the impugned order dated 8th March, 2022 passed in G.R. Case No. 09 of 2012 by the learned Civil Judge-cum-J.M.F.C., Junagarh.
 3. Learned counsel for the petitioner submits that at the stage of recording of the statement under Section 313 Cr.P.C. since the petitioner defaulted in appearance, the warrant of arrest was issued fixing a date i.e. on 30th March, 2022 for production.
 4. Learned counsel for the State submits that as because the petitioner failed to turn up at the stage of recording of his statement under Section 313 Cr.P.C., the learned court below rightly passed the

impugned order dated 8th March, 2022 which, therefore, suffers from no illegality.

5. Having regard to the above facts, though the Court does not find any infirmity in the impugned order dated 8th March, 2022 (Annexure-1), however, is inclined to direct release of the petitioner on bail on his surrender before the court below on a specified date which would rather serve the purpose and ensure early disposal of the case.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands dismissed however with a direction to the petitioner to surrender before the court of Civil Judge-cum-J.M.F.C., Junagarh on 6th September, 2022 in connection with G.R. Case No. 09 of 2012 and in the event of his surrender, he shall be released on bail on the same day after recording his statement under Section 313 Cr.P.C. subject to conditions as deemed to be just and proper.

8. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge