

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2340 of 2022

Bijaya Kumar Swain

....

**Petitioner**

Mr. Prabodha Chandra Nayak, Advocate

-Versus-

State of Orissa and another

....

**Opposite Parties**

Mr. T.K. Praharaj, SC, OP No.1

None for OP No.2

**CORAM:  
MR. JUSTICE R.K. PATTANAİK**

**ORDER  
07.09.2022**

**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. has been filed by the petitioner praying for quashing of the order of NBW dated 2<sup>nd</sup> April, 2022 passed by the learned J.M.F.C., Nimapara, Puri in ICC No.40 of 2011 and the subsequent proceeding on the grounds stated therein.
3. Perused the impugned order at Annexure-1 wherein this Court in CRLREV No.427 of 2014 upheld the order of conviction and sentence against petitioner under Section 138 of the N.I. Act.
4. Learned counsel for the petitioner submits that after the confirmation of conviction under Annexure-1, wherein, he was directed to pay compensation of Rs.15,50,000/- to be paid by the end of March, 2020 from the date of order i.e. 8<sup>th</sup> November, 2019. It is submitted that petitioner has already deposited a sum of

Rs.10,00,000/- (Rupees Ten lac) but due to financial difficulty, the rest amount could not be deposited, whereafter, the learned court below issued the order of NBW against the petitioner. It is submitted that the petitioner would make necessary arrangement to deposit the balance amount and may be permitted to pay the same on installment basis.

5. This Court finds that in CRLMC No.2521 of 2021 disposed of on 8<sup>th</sup> December, 2022, the petitioner was directed to surrender in the event he pays the balance amount but then has failed to deposit the rest of compensation amount. However, the Court is of the view that as a last chance, the petitioner should be directed to surrender and go on bail with additional condition on deposit of the balance amount in the manner specified within a stipulated period determined by the court below which would serve the purpose. Accordingly, it is ordered.

6. The CRLMC stands disposed of.

7. Consequently, the petitioner is directed to surrender before the learned J.M.F.C., Nimapara, Puri in ICC No.40 of 2011 on or before 26<sup>th</sup> September, 2022 and in the event of his surrender, the court shall release him on bail subject to deposit of the rest amount as has been directed by this Court in CRLRpEV No.427 of 2017 on installment basis in the manner so determined.

8. The CRLMC application stands disposed of.

(R.K. Pattanaik)  
Judge