

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2352 of 2022

Sayed Peer Ali @ Peeru and others Petitioners
Mr.Sudeep Kumar Sarangi, Advocate

-Versus-

State of Odisha Opposite Party
Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
07.09.2022

Order No.

01.

1. Heard learned counsel for the petitioners and learned Standing Counsel for State.

2. Instant petition under Section 482 Cr.P.C. has been filed by the petitioners praying for quashing the order dated 8th August, 2022 passed by the learned S.D.J.M., Nuapada in G.R. Case No.396 of 2012 instituted under Section 7 of E.C. Act on the grounds stated therein.

3. It is revealed from the record that a confiscation proceeding was initiated against the petitioners for transporting 235.45 Kgs paddy in 550 bags without any valid documents in the truck bearing registration No.CG-04-JA-3639. Assailing the said order, the appellant preferred appeal in FAO No.16 of 2013 was carried, wherein, the learned District & Sessions Judge, Nuapada set it aside the impugned order dated 13th March, 2013. Turning to the facts of the present case, the petitioner was stated to be absent on call on 8th August, 2022, as a result of which,

the court below issued the non-bailable warrant of arrest against them and posted the matter to 14th November, 2022 for their production. It is further submitted that absence of the petitioners was unintentional. However, the Court does not find any illegality or error having been committed by the court below so as to warrant any interference as the petitioners did not appear on the date fixed. But the Court is of the view that the petitioners should instead be allowed to surrender and go on bail subject to the terms and conditions fixed by the trial court, which would serve the purpose. Accordingly, it is ordered.

4. Consequently, the petitioners are directed to surrender before the court below on or before 26th September, 2022 in G.R. Case No.396 of 2012 pending in the file of learned S.D.J.M., Nuapada and in the event of their surrender, the court shall release them on bail with conditions as deemed fit and proper by the court below.

5. The CRLMC stands disposed of.

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

(R.K. Pattanaik)
Judge

U.K. Sahoo