

IN THE HIGH COURT OF ORISSA AT CUTTACK  
CRLMC No. 2379 of 2022

Pratap Kumar Bantha

.... Petitioner  
Mr. B.K.Sahoo , Advocate

-Versus-

State of Odisha

.... Opposite Party  
Mr. Sitikanta Mishra, ASC

CORAM:  
MR. JUSTICE R.K. PATTANAİK

Order No. ORDER  
28.11.2022

I.A. No.2691 of 2022

01. 1. By this Court's order dated 22<sup>nd</sup> September, 2022, the petitioner, on his request, had been directed to submit an application supported by an affidavit with an undertaking to ensure appearance of the accused persons to treat the petition as an appeal in terms of Section 449(ii) Cr.P.C.
2. Learned counsel for the petitioner submits that the appearance of the accused persons could not be ensured despite due diligence of the petitioner.
3. However, as per the prayer made, the instant petition filed by the petitioner is treated as appeal under Section 449(ii) Cr.P.C.
4. Learned counsel for the petitioner is directed to file a memorandum of appeal with the changes nomenclature within a week from today.
5. List before the roster bench for orders.

(R.K. Pattanaik)  
Judge