

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2500 of 2022

P. Chandrasekhar@Pedina
Chandrasekhar @ Chandrasekhar Rao

....

Petitioner

Mr. S.K. Dash, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
20.09.2022

Order No.

01.

1. Heard Mr. S.K. Dash, learned counsel for the petitioner and Mr. Nayak, learned Standing Counsel for the OPID.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner challenging the order of NBWA dated 3rd November, 2021 passed by the learned P.O., OPID Court, Berhampur in connection with T.R. No.2 of 2015 corresponding to G.R. No.192 of 2013 on the grounds stated therein.
3. Learned counsel for the petitioner submits that interim stay was passed by this Court in CRLMC No.201 of 2014 and in view of the order dated 22nd January, 2014 passed in M.C. No.185 of 2014, which was vacated vide order dated 26th November, 2021 on the basis of the judgment of the Hon'ble Apex Court in the case of **Asian Resurfacing of Road Agency Pvt. Ltd. and another Vrs. Centrla Bureau of Investigation** reported in 2022 (3) Crimes 64 (S.C.) instead NBWA was issued against the petitioner.

4. In view of the above, since the stay was vacated in view of the judgment of Hon'ble Apex Court, the Court does not find any infirmity in the impugned order dated 3rd November, 2021. But since the petitioner is on bail, he should be directed to surrender and go on bail subject to conditions, which would solve the purpose. Accordingly, it is ordered.

5. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned P.O., OPID Court, Berhampur on or before 30th September, 2022 in connection with T.R. No.2 of 2015 corresponding to G.R. No.192 of 2013 and in the event of his surrender, the court below shall release him on bail subject to conditions as deem fit and proper in the facts and circumstances of the case.

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

(R.K. Pattanaik)
Judge