

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.12094 of 2022

Jadu Das @ Kshirod Das ***Petitioner***

Mr. D.K. Sahoo, Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. P.C. Das, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

25.04.2023

I.A. No.667 of 2023

Order No.

- 04.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. This I.A. has been filed seeking modification of order dated 24.09.2022.
 3. It is submitted by learned counsel for the Petitioner that at the time of surrender the Petitioner is detect that there is one criminal antecedent involved in the present petition. He further contended that the petitioner was entitled to G.R. Case No.397 of 2018 which was initially registered under Section 294/302/34 of I.P.C. r/w section 3(l) (r) (2) (v) of S.C. & S.T. (P.A.) Act.
 4. He further submitted that after investigation in the above noted case charge sheet was filed on 28.11.2018 under Section 279/304(A) of I.P.C. r/w section 185 of M.V. Act. Accordingly, cognizance has been taken 2018 under Section 279/304(A) of I.P.C. r/w section 185

of M.V. Act.

5. In such view of the matter, learned counsel for the Petitioner submitted that the same is not a case of the similar nature as has been directed by this Court vide order dated 24.09.2022. He further submits that the above fact be clarified in order dated 24.09.2022. The order dated 24.09.2022 is clarified to the extent that in the event, it is found that the Petitioner is having any other case than the case referred to hereinabove, then this order shall not be given effect to and this order automatically stands revoked.

6. In view of the aforesaid modification four weeks' further time from today is extended for the petitioner to surrender before the learned court below, vide order dated 24.09.2022 passed in ABLAPL No.12094 of 2022, but subject to depositing cost of Rs.1000/- (Rupees one thousand) in the Advocates' Welfare Fund of Orissa High Court Bar Association within fifteen days and furnishing money receipt thereof in proof of deposit.

7. It is made clear that, if the cost is not deposited within the stipulated time, time extended for the petitioner to surrender shall stand revoked automatically.

8. The I.A. is disposed of accordingly.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge