

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No. 2693 of 2022

Badal Kumar Sha

....

Petitioner

Mr. Harekrushna Dash, Advocate

Versus

1. State of Odisha

2. Gouranga Chakra

....

Opposite Parties

Mr. D.K. Mohanty, ASC

CORAM:

JUSTICE SAVITRI RATHO

ORDER

28.10.2022

Order No.

01.

(Through hybrid mode)

This application under Section 482 Cr.P.C. has been filed by the petitioner challenging the order dated 30.03.2022 passed by the learned S.D.J.M., Anandapur in 1CC Case No. 37 of 2018, wherein the learned Court has directed the issue of N.B.W. against the petitioner for failure to deposit 20% of the compensation amount as directed by order dated 26.03.2022 passed by the learned Additional Sessions Judge, Anandapur in Criminal Appeal No. 09 of 2021. It appears that the learned Additional Sessions Judge, Anandapur by order dated 26.03.2022 had granted extension of time for a period of 30 days permitting the petitioner to deposit the compensation amount.

2. In view of the nature of the order proposed to be passed, it is not necessary to issue notice to the opposite party no.2.

3. Mr. Harekrushna Dash, learned counsel for the petitioner submits that as the petitioner earns his living from the hire charges of the truck, in view of the uncertainty of his business he has not been able to deposit the compensation amount within the time permitted by the learned

Appellate Court and prays for extension of time by a period of six weeks.

4. Perusal of the impugned order reveals that as the amount was not deposited within the time extended by the learned Additional Sessions Judge, Anandapur, the learned S.D.J.M., Anandapur had no alternative but to issue N.B.W. of arrest. The said order therefore does not call for any interference.

5. But considering the submissions of the learned counsel for the petitioner, liberty is granted to the petitioner to approach the learned Additional Sessions Judge, Anandapur praying for further extension of time for depositing the amount and stating the reasons for his failure to deposit the compensation amount within the extension granted by the learned Additional Sessions Judge. If such an application is filed by 14.11.2022 in Criminal Appeal No. 09 of 2021, the same shall be considered in accordance with law by the learned Additional Sessions Judge but sympathetically as the petitioner is willing to deposit the compensation amount but in view of his financial problems he has not been able to comply with the order within the said period.

6. The N.B.W. issued against the petitioner vide order dated 30.03.2022 passed by the learned S.D.J.M., Anandapur in 1CC Case No. 37 of 2018 shall remain stayed for a period of four weeks i.e. till 18.11.2022.

7. The CRLMC is disposed of with the aforesaid observation.

8. Urgent certified copy of this order be granted as per rules.

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(Savitri Ratho)
Judge