

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1948 of 2021

Akash @ Kalia @ Kalandi Charan Mallik ***Petitioner***

Mr. D.K.Sahoo,
Advocate

-versus-

State of Odisha ***Opposite Party***

Mr. A. Pradhan,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER
25.1.2022.

Order No.

02. 1. This matter is taken up through virtual mode.
2. Heard Mr. D.K.Sahoo, learned counsel for the Petitioner, and Mr. A. Pradhan, learned Addl. Standing Counsel for the State.
3. This is an application under Section 482 of the Cr.P.C. The Petitioner is an accused in G.R. Case No.1751/2016 corresponding to Patkura P.S. Case No.286/2016 in the court of learned Adhoc Addl. District and Sessions Judge-cum-FTC, Kendrapara. He was released on bail.

4. Perusal of the impugned order reveals that the Petitioner-accused did not appear on the date fixed for which by order dated 20th September, 2021 learned court below directed issuance of N.B.W. against him, which is impugned in the present application.

5. Learned counsel for the Petitioner submits that non-appearance of the Petitioner was not wilful or deliberate but due to his illness and communication gap and that he is willing to appear before the trial court without fail in future.

6. Having regard to the submissions as above, the prayer is allowed. The impugned order in so far as it relates to issuance of NBW against the Petitioner is hereby quashed. The Petitioner is directed to surrender before the trial court within a period of two weeks from today and move for bail and in such event, he shall be allowed to go on previous bail.

7. The CRLMC is disposed of.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April, 2021 and Court's Office Order

circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(Sashikanta Mishra)
Judge

AKB

