

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.3009 of 2022

Shyamaghana Behera

....

Petitioner

Mr. J.Samantaray, Advocate

Versus

State of Odisha

....

Opposite Party

Mr. D.K.Mohanty, ASC

CORAM:

JUSTICE SAVITRI RATHO

ORDER

28.10.2022

(Through hybrid mode)

Order No.

01.

1. This application under Section 482 of Cr.P.C. has been filed by the petitioner challenging the order dated 12.10.2022 passed by the learned Sessions Judge, Kendrapara in S.T. Case No.273 of 2022 rejecting two separate petition, one under Section 317 Cr.P.C. and the other for time.

2. Learned counsel for the petitioner referring to the petitions which are a part of which is annexure-2 series, submits that the petitioner was unable to appear in the learned court below on the date fixed for furnishing bail bond as on that date as it was, his father's first Sradha ceremony, for which he had prayed for dispensing with his personal appearance and for adjourning the case.

3. Mr. D.K.Mohanty, learned Additional Standing Counsel submits that while releasing the petitioner on bail, this Court in BLAPL No.1171 of 2020 vide order dated 2.3.2020 had directed the petitioner to appear

before the learned court below personally on the date of posting of the case for which NBW has been rightly issued against him.

4. In view of the provision under Section 317 Cr.P.C. which grants discretion to the learned trial court to dispense with the personal appearance of a person on a particular date, provided compelling circumstances exist or grounds are shown, the order dated passed by the learned Sessions Judge, Kendrapara in S.T. Case No.273 of 2022, which does not disclose any reason for rejecting the same is liable for interference and is accordingly set aside.

5. Mr.Samantaray, learned counsel for the petitioner undertakes that the petitioner will appear before the learned court below on the next date or on 14.11.2022 whichever is earlier to furnish the bail bond.

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

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

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(Savitri Ratho)
Judge

Bichi