

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13489 of 2022

Sandeep Kumar Haldar ***Petitioner***

Mr. A. Das, Advocate

-versus-

State of Odisha ***Opp. Party***

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

20.10.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. It is submitted by learned counsel for the petitioner that the present petitioner is not named in the F.I.R. However, it is submitted by learned counsel for the petitioner that the petitioner is the closed friend of the in-laws as a result of such relationship he is apprehending arrest in connection with the F.I.R. Further it is submitted by learned counsel for the petitioner that the petitioner is a Government employee for which there is a risk to his service.
3. Considering such submission and the facts that there is no apprehension of arrest, this Court is of the opinion that in the event such case F.I.R. is registered by the police, the mandatory procedure under Section 41-A of the Code of Criminal Procedure is required to be followed in the case of *Arnesh Kumar vrs. State Bihar and another* : reported in (2014) 8 SCC 273.

4. In such view of the matter, the ABLAPL is not maintainable and accordingly, the same is dismissed.

5. However, in the event the petitioner is implicated in this case, the Arresting Officer is directed to comply the mandatory procedure as under Section 41-A of the Cr.P.C. as aforesaid.

(A.K. Mohapatra)
Judge

Jagabandhu

