

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.13782 of 2022

***Manoj Kumar Mallick and
another***

....

Petitioners

Mr. G.K. Mohanty, Advocate

-versus-

State of Odisha

....

Opp. Party

Mr. S. Patra, ASC

**CORAM:
JUSTICE CHITTARANJAN DASH**

**ORDER
01.05.2023**

Order No.

I.A. No.757 of 2023

03.

1. This is an application for modification of order dated 27th October, 2022.

2. Originally this Court had granted liberty to the Petitioners to surrender and release on bail vide order dated 27th October, 2022, the Petitioners neither appeared nor prayed for extension of time to surrender. However, vide I.A. No.591 of 2023, a modification of order dated 27th October, 2022 was sought for and accordingly this Court while allowing the said Interlocutory Application modified the order allowing the Petitioners two weeks' time, as a last chance, to surrender and release on bail. Once again the present I.A. has been filed seeking modification i.e. extension of time to surrender.

3. Mr. G.K. Mohanty, learned Senior counsel did not however place the matter in detail as to the circumstances that prevented the Petitioners to surrender and release on bail. Further in paragraph-13

of the application it is mentioned that the Petitioners while surrendering before the court below on 11th April, 2023 the learned court below was told to have delayed and obtained another extension.

4. As seen the Petitioners has deliberately not respected the order of this Court since the date it was passed and admittedly the Petitioners were not within the jurisdiction of this Court on 27th October, 2022.

5. Under the peculiar circumstances, while this Court should not have exceeded to the prayer under compelling circumstances, the same is allowed and two weeks' further time from today is extended, as a last chance, for the Petitioners to surrender before the court below as per the order dated 27th October, 2022 but subject to payment of cost of Rs.2,000/- (rupees two thousand) to the Advocates' Welfare Fund of Orissa High Court Bar Association and producing the money receipt thereof before the concerned court. It is made clear that other conditions in the said order remain unchanged.

6. The I.A. is disposed of.

(Chittaranjan Dash)
Judge

KC Bisoi

KRUSHNA
CHANDR
A BISOI

Digitally signed
by KRUSHNA
CHANDRA BISOI
Date: 2023.05.02
11:19:08 +05'30'