

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3213 of 2022

Gopal Kumar Punch

.... **Petitioner**
Mr. S. Mishra, Advocate

-Versus-

State of Odisha and Another

.... **Opposite Parties**
Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
24.11.2022

Order
No.

01.

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. Prayer in the present case is for quashing of the order of issuance of NBWA dated 14th December, 2019 and 14th October, 2022 passed in ICC Case No.153 of 2019 by the learned S.D.J.M., Puri while rejecting an application under Section 205 Cr.P.C. for dispensing with the personal appearance of the petitioner.

3. A copy of the complaint is at Annexure-1 and the same is perused by the Court. The said complaint is filed by opposite party No.2 under Section 138 of the NI Act.

4. An application under Section 205 Cr.P.C. was filed by the petitioner for exemption from appearance and his representation through a counsel but the same was declined by the Court on the ground that he has been directed by this Court to surrender within a

stipulated time in ABLAPL No.3250 of 2022 which was not obliged. The learned counsel for the petitioner submits that the rejection for exemption in terms of Section 205 Cr.P.C. was unjustified on a ground even though there was a direction of this Court to surrender. Mr. Praharaj, learned counsel for the State on the other hand submits that the learned court below did not commit any wrong and expected due compliance of the Court's direction whereby the petitioner was to surrender before the court within a period of eight weeks from then.

5. Considering the above facts and notwithstanding rejection of an application under Section 205 Cr.P.C., while disposing of CRLMC, this Court directs the petitioner to surrender before the learned S.D.J.M., Puri in ICC Case No.153 of 2019 on or before 12th December, 2022 and in the event he surrenders and applies for bail, the court shall consider the same and release him on bail subject to conditions as deemed just and proper in the facts and circumstances of the case.

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

(R.K. Pattanaik)
Judge