

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3268 of 2022

Rabindranath Thakur

.... Petitioner
Mr. R.K. Sahu, Advocate

-Versus-

State of Odisha

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

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
25.11.2022

Order
No.
02.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The challenging in the present case is with regard to impugned notice under Anenxure-2 by the learned S.D.M., Padamapur in a proceeding Section 110 Cr.P.C. in connection with Crl. Misc. Case No.268 of 2022.
3. Learned counsel for the petitioner submits that in a similar case, this Court directed acceptance of undertaking by its order dated 13th October, 2022 in CRLMC No.2504 of 2022 and therefore, a similar relief may be extended to the petitioner to whom the learned court below has issued a notice to appear and to show cause as to why he shall not be directed to execute bond for an amount of Rs.1 lac with two credible sureties of the local PS for a period of two years. It is submitted that the petitioner is involved in six numbers of criminal cases and the oldest one is of the year 2008 and recent is of the year 2022. Mr. Praharaj, learned counsel for the State submits that the petitioner should file a show cause instead and

learned court below court below is to take a call and decision thereon and at this stage, it would not be appropriate to interfere with the impugned notice i.e. Annexure-2.

4. Considering the facts and circumstances of the case, this Court is of the view that since notice has been issued by the learned S.D.M., Padampur, the petitioner should appear before him and file show cause and in the event, any such order directing execution of bond for the amount with sureties is made, he should have the liberty to challenge the same. In other words, the Court is not inclined to interfere with the impugned notice at the present stage which only directed the petitioner to appear and file a show cause. The order of this Court in CRLMC No.2504 of 2022 cannot be universally applied since a decision to accept an undertaking depends on the facts and circumstances peculiar to a case. Without expressing anything on merit, the Court is of the view that the petitioner should appear before the learned S.D.M., Padampur and file a show cause in first place.

5. Accordingly, it is ordered.

6. In the result, CRLMC stands disposed of with a liberty granted to the petitioner to challenge the final order in the event the learned S.D.M, Padampur directs him to the execute the bond but before that, he is to appear and file a show cause and await decision thereon.

(R.K. Pattanaik)
Judge