

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2487 of 2021

Sk. Kurban @ Sk. Kurban Khan ***Petitioners***
and others

Mr. A.S. Paul, Advocate

-versus-

State of Odisha

.... ***Opposite Party***

Mr. K.K. Gaya, AGA

CORAM:
JUSTICE S.K. PANIGRAHI

ORDER
03.02.2022

Order No.

01. 1. The matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The petitioners have filed this application under Section 482 of the Cr.P.C. to quash the order dated 30.04.2021 passed by the learned JMFC, Chilika in Tangi P.S. Case No.118 of 2016 corresponding to G.R. Case No.169 of 2016 issuing N.B.W. against them.
4. Learned counsel for the petitioners submits that the petitioners are daily labourers and they are working outside the State. They have no knowledge regarding institution of the case. Hence, the N.B.W. was issued on 30.04.2021 against them. Petitioners undertake to co-operate with the trial and appear on each date of trial.

5. Considering the aforesaid submissions, the petitioners are directed to surrender before the court in seisin over the matter in the aforesaid case within a period of fifteen days hence. Upon their surrender, the court in seisin over the matter shall consider for releasing them on bail with some stringent conditions so as to ensure their regular attendance on each date of posting of the case before the trial court. In addition, each of the petitioners shall deposit a cost of Rs. 1000/-(rupees one thousand) (totalling Rs.4,000/-) for violating the court's order. The said amount shall be deposited before the High Court Bar Associations Welfare Fund and copy of the said deposit shall be presented before the court in seisin over the matter.

6. In view of the above, the order of issuance of N.B.W. against the petitioners on 30.04.2021 passed in Tangi P.S. Case No.118 of 2016, arising out of G.R. Case No.169 of 2016 is quashed.

7. Accordingly, the CRLMC is disposed of.

8. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

PCD