

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2579 of 2021

<i>Jayanti Nag and another</i>		<i>Petitioners</i>
		Ms. D. Sahu, Advocate
	-versus-	
<i>State of Odisha</i>		<i>Opposite Party</i>
		Mr. Karunakar Gaya, ASC

CORAM:
JUSTICE S.K. PANIGRAHI

ORDER
24.01.2022

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 05.10.2021 passed by the learned JMFC, Barpali in G.R. Case No.85 of 2021, arising out of Barpali P.S. Case No.85 of 2021, issuing N.B.W. against them.
4. Learned counsel for the petitioners submits that the petitioners were issued summons by the police under Section 41(A) of the Cr.P.C. and accordingly on 01.04.2021, the concerned police released the petitioners on criminal law. Thereafter, charge-sheet filed against the present petitioners for the offences under Sections 498-A, 323/34 of the IPC and Section 4 of the D.P. Act. The learned JMFC, Barpali, after filing of charge-sheet, issued summons to the petitioners to

appear before the court on 05.10.2021. However, due to some personal difficulty, the petitioners could not appear on the date fixed. Hence, N.B.W. was issued against them on 05.10.2021.

5. Considering the aforesaid facts, the petitioners are directed to surrender before the court in seisin over the matter 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 trial. In addition, the petitioners shall deposit a sum of Rs.1,000/- (rupees one thousand only) as cost for non-compliance of 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. Accordingly, the CRLMC is disposed of. The order of issuance of N.B.W. against the petitioners on 05.10.2021 in G.R. Case No.85 of 2021 is hereby quashed.

7. 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