

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3803 of 2022

Prasanta Das @ Puppi

....

Petitioner

Mr. Satya Narayan Mishra-4, Advocate

-Versus-

The State of Odisha

....

Opposite Party

Mr. S.S. Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

23.12.2022

Order No.

- 01.
1. Heard learned counsel for the respective parties.
 2. Instant petition under Section 482 Cr.P.C. is filed at the behest of the petitioner praying for quashing of the impugned order dated 16th March, 2020 passed by the learned J.M.F.C., Basta in C.T. Case No.958 of 2019 arising out of Basta P.S. Case No.446 of 2019 on the grounds stated therein.
 3. Learned counsel for the petitioner referring to Annexure-1 and statements of witnesses recorded under Section 161 Cr.P.C. submits that the name of the petitioner is not mentioned in the FIR under Annexure-1 nor any specific overt act has been committed by the petitioner and considering the same, the impugned order under Annexure-3 should be set aside in the interest of justice, which is objected to by learned counsel for the State.
 4. The Court finds in the petitioner was alleged of forcibly removing two mobile phones, Rs.600/- and keys from the informant and assaulted the latter and fled away from the spot and thereafter

FIR was lodged and finally the accused persons were arrested but then they were released on bail as it appears from Annexure-3 but due to non-appearance of the petitioner on the date fixed, the learned court below issued NBWA, which is justified. But according to the Court, in view of the pending execution of NBWA, in the facts and circumstances of the Court, the petitioner should be directed to surrender and released on bail subject to conditions.

5. Accordingly, it is ordered.

6. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned J.M.F.C., Basta on or before 13th January, 2023 in C.T. Case No.958 of 2019 arising out of Basta P.S. Case No.446 of 2019 and in the event he surrenders within the time stipulated, the court below shall release him on bail with conditions as deem just and proper.

7. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

U.K.Sahoo