

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3821 of 2022

Karunakar Mohanty

Petitioner

Mr. S.K. Purohit, Advocate

-Versus-

State of Orissa

....

Opposite Party

Mr. N. Maharana, ASC for Vigilance

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

13.12.2022

Order  
No.  
01.

1. Heard learned counsel for the petitioner and learned counsel for the Vigilance Department.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner assailing the impugned order dated 5<sup>th</sup> November, 2022 by the learned Special Judge (Vigilance), Angul in connection with TRPC Case No.5 of 2019 (T.R. No.397 of 2007) whereby a non-bailable warrant of arrest has been issued against him.
3. A copy of the impugned order is at Annexure-1.
4. Learned counsel for the petitioner submits that at the stage of framing of charge, an application under Section 317 Cr.P.C. was moved by the petitioner but the same was rejected by the Special court and thereafter, non-bailable warrant of arrest was issued and considering fact that a prayer for exemption was moved and applied for, a direction may be issued for him to surrender before the learned court below and released on bail. Mr. Maharana, learned counsel for the Vigilance Department submits that the learned court below did not commit any error or wrong in issuing a

NBWA against the petitioner as he was required to be physically present at the time of framing of charge. Though the Court is of the view that the learned court below committed no wrong or error is of the view that the petitioner who had claimed for exemption with an application under Section 317 Cr.P.C should be directed to surrender before the learned Special court and released on bail with conditions which would serve the purpose and meet the ends of justice.

5. Accordingly, it is ordered.

6. In the result, CRLMC stands disposed of with a direction to the petitioner to surrender before the learned Special Judge (Vigilance), Angul on or before 23rd December, 2022 in connection with TRPC Case No.5 of 2019 (T.R. No.397 of 2007) and in the event he surrenders, the court below shall release on bail subject to conditions.

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

(R.K. Pattanaik)  
Judge

TUDU