

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2609 of 2021

Babaji Bhoi and others

....

Petitioners

Mr. H. Mohapatra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. S.K. Mishra, ASC

**CORAM:
JUSTICE S.K. PANIGRAHI**

**ORDER
18.01.2022**

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 to quash the order dated 18.11.2017 passed by the learned Assistant Sessions Judge, Nimapara in S.T. Case No.32/64 of 2014 issuing N.B.W. against them. They also pray to release them on bail in the event of their surrender before the said court.
4. Learned counsel for the petitioners submits that the petitioners were uneducated and daily wage labourers. There was a communication gap between the petitioners and their

conducting counsel regarding transfer of the case to the court of Assistant Sessions Judge, Nimapara. He further submits that though the petitioners were unaware regarding posting of the case in the said court, N.B.W. was issued against them.

5. Considering the aforesaid submissions and the facts of the case, this Court is inclined to allow the CRLMC. Accordingly, the order of issuance of N.B.W. against the petitioners on 18.11.2017 in S.T. Case No.32/64 of 2014 is quashed.

6. 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. On such event, the said court shall release them on bail with some stringent conditions so as to enable them to appear before the court on each date of posting of the case. In addition, the petitioners (7 in number) shall deposit a sum of Rs.1000/- (rupees one thousand only) each (totaling Rs.7,000/-) as cost for deliberately 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.

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

