

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2702 of 2021

Kalandi Pradhan and Ors. ***Petitioners***

Mr. Anam Charan Panda, Adv.

-versus-

State of Odisha

....

Opposite Party

Mr. Sibani Shankar Pradhan, ASC

CORAM:
JUSTICE S.K. PANIGRAHI

ORDER
21.01.2022

Order No.

01. 1. This 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 CRLMC assailing the order dated 26.07.2017 passed by the learned Assistant Sessions Judge, Nimapara in S.T. Case No.98/289 of 2013, arising out of G.R. Case No.231 of 2012, corresponding to Nimapara P.S. Case No.52 of 2012 registered under Sections 341/ 323/ 294/ 337/ 307/ 354/ 147/ 148/ 447/ 506/ 149 of the I.P.C., issuing N.B.W. against them .
4. Learned counsel for the Petitioners submits that the petitioners are on bail vide orders dated 02.05.2012 passed by this Court in BLAPL Nos.6678 and 6680 of 2012. They were regularly attending the court on each date of posting of the case. However, on 26.07.2017, the petitioners could not remain present in court due to communication gap between them and their conducting counsel. Hence, the learned Assistant Sessions Judge, Nimapara issued N.B.W. against them. He further submits that the petitioners undertake that they

will cooperate till the end of the trial and appear before the court on each date of posting without fail, failing which, fresh N.B.W. shall be issued against them.

5. On perusal of the materials on record, it appears that the petitioners were intentionally avoiding the court for last five years. In such circumstances, the petitioners do not deserve any mercy and hence, there is no illegality in the impugned order.

6. However, taking into account the submission made by the learned counsel for the petitioners, it is directed that in case the petitioners appear and move for bail before the court in *seisin* over the matter in the aforesaid case within a period of fifteen days hence, the prayer for bail of the petitioners shall be considered by the court in *seisin* over the matter in accordance with law.

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 printout 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 Notice No.4587 dated 25th March, 2020 and Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

BJ