

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2764 of 2021

Sribanta Samal

....

Petitioner

Mr. N.C. Jena, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. K. Gaya, 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 petitioner and learned counsel for the State.
3. The petitioner has filed this application to quash the order dated 03.11.2021 passed by the learned JMFC, Aul in I.C.C. No.62 of 2018 issuing N.B.W. against the petitioner.
4. Learned counsel for the petitioner submits that due to communication gap between the petitioner and his lawyer, the petitioner could not appear on the fixed date. Hence, the N.B.W. was issued against the petitioner on 03.11.2021. He further submits that the petitioner will appear before the court on each date of posting of the case.

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 petitioner on 03.11.2021 in I.C.C. No.62 of 2018 is quashed.

6. The petitioner is 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 him on bail with some stringent conditions so as to enable him to appear before the court on each date of posting of the case. In addition, the petitioner shall deposit a sum of Rs.1,000/- (rupees one thousand only) as cost for 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