

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2796 of 2021

Palasu Khilla

....

Petitioner

Mr. R.L. Pattnaik, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar 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 15.07.2021 passed by the learned Sessions Judge-cum-Special Judge, Malkangiri in Special G.R. Case No.13 of 2021, arising out of Chitrakonda P.S. Case No.12 of 2021.
 4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. However, on the statement of witnesses, namely, Sarbu Khilla and Daya Khilla, the petitioner was roping around with the principal accused. He has been

named in the preliminary charge-sheet. The I.O. has submitted charge-sheet showing the petitioner as absconder. In view of such facts, the N.B.W. was issued against the petitioner on 15.07.2021. However, the petitioner is ready and willing to cooperate with the trial as and when the case is listed.

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 15.07.2021 in Special G.R. Case No.13 of 2021 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 grant him bail with some stringent conditions so as to enable him to appear before the court on each date of posting of the case and cooperate with the investigation of the case as and when required. In addition, the petitioner shall deposit a sum of Rs.1,000/- (rupees one thousand only) as cost for non-compliance of 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

