

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMC No.2807 of 2021**

***Kalandi Das***

***.... Petitioner***

***Mr.S.P. Dash, Advocate***

***Versus***

***State of Odisha***

***.... Opposite Party***

***Mr.S.S. Pradhan, AGA***

**CORAM:**

**JUSTICE SAVITRI RATHO**

**ORDER**

**03.01.2022**

**Order No.**

02. This matter is taken up by hybrid mode.

Heard.

In this application, the order dated 06.01.1997 passed by the learned S.D.J.M., Jagatsinghpur in G.R. No. 737 of 1994 has been challenged.

By the said order, the learned S.D.J.M., Jagatsinghpur has issued N.B.W. against the present petitioner.

Mr. S.P. Dash, learned counsel for the petitioner submits that the petitioner had been apprehended by the Police during investigation and had been released on bail vide order dated 15.10.1994 and after completion of investigation, summons have been issued to the petitioner. On 06.01.1997 as the conducting counsel could not take any steps on behalf of the petitioner, the learned Magistrate has issued N.B.W.

Mr. S.P. Dash, learned counsel for the petitioner also states that the case has abated against the co-accused- Dharmananda Das @ Babana Das on 19.12.2018 which would be apparent from the endorsement in the chargesheet by the learned S.D.J.M.,

Jagatsinghpur. Copy of the relevant page of the chargesheet is filed in Court today along with memo. The same be kept on record.

Almost twenty five years have elapsed since the impugned order was passed.

Although, I do not find any illegality in the impugned order, in order to give the petitioner a chance to face trial and as he had earlier been granted bail, it is directed that if the petitioner surrenders before the learned S.D.J.M., Jagatsinghpur within a period of four weeks from today and files an application for bail, the same shall be considered on its own merit and in accordance with law.

With the aforesaid observations, the CRLMC is disposed of.

Urgent certified copy of this order be granted on proper application.

**(Savitri Ratho)**  
**Judge**

*puspa*

