

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

**ABLAPL No.16071 of 2022**

***Sasmita Das***

....

***Petitioner***

*Mr.Manoj Ku.Agrawalla, Advocate*

*-versus-*

***State of Odisha & another***

....

***Opp. Parties***

*Mr.P.K.Rout, A.G.A.*

**CORAM:**

**JUSTICE A.K. MOHAPATRA**

**ORDER**

**22.12.2022**

**Order No.**

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This application has been filed for release of the Petitioner under section 438 Cr.P.C.
3. It is submitted by the learned counsel for the Petitioner that the Petitioner was implicated in ICC Case under Section 138 of N.I.Act Since the Petitioner did not appear pursuant to the summons, N.B.W. has been issued by the trial Court. Therefore, the Petitioner has approached this Court by filing this application under section 438 Cr.P.C.
4. However, considering the facts stated by the Petitioner, this application under section 438 Cr.P.C. is not maintainable and the Petitioner if so advised to challenge the order of issuing N.B.W. against the Petitioner. In such view of the matter the Petitioner is at liberty to file an appropriate application challenging the order passed by the magistrate. However, the Petitioner shall not be arrested for a

period of two weeks.

5. With the aforesaid observation, the ABLAPL is disposed of.
6. Issue urgent certified copy of this order as per Rules.

**( A.K. Mohapatra )**  
**Judge**

RKS

