

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2879 of 2021

Srikant Das

....

Petitioner

Mr. Prasanta Kumar Nanda, Adv.

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM:
JUSTICE S.K. PANIGRAHI

ORDER
20.01.2022

Order No.

01. 1. This 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 CRLMC assailing the order dated 10.02.2020 passed by the learned 3rd Additional Sessions Judge (POCSO), Cuttack in G.R. Case No.54 of 2018, arising out of Choudwar P.S. Case No.144 of 2018 registered for commission of offences under Sections 376(2)(i)/506 of the I.P.C. read with Section 4 of the POCSO Act, issuing N.B.W. against him.
4. Learned counsel for the Petitioner submits that the petitioner is on bail vide order dated 07.01.2019 passed by this Court in BLAPL No.6723 of 2018. He was regularly attending the court on each date of posting of the case. However, on 10.02.2020, the petitioner could not remain present in court due to some

unavoidable circumstances as he is a daily wage labourer. Hence, the learned 3rd Additional Sessions Judge (POCSO), Cuttack issued N.B.W. against him. He further submits that the petitioner undertake that he 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 him.

5. In view of such facts and submissions made by the learned counsel for the Petitioner, this Court is inclined to allow the CRLMC. Accordingly, the order dated 10.02.2020 passed by the learned 3rd Additional Sessions Judge (POCSO), Cuttack in the aforesaid case, so far it relates to issuance of N.B.W. against the petitioner, is hereby quashed.

6. The petitioner is directed to surrender before the court in *seisin* over the matter in the aforesaid case and move for bail 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 with the High Court Bar Association Welfare Fund and copy of the receipt 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 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

