

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2897 of 2021

Sachi Behera @ Sachidanda ***Petitioner***
Behura

Mr. M.B. Das, Advocate

-versus-

State of Odisha ***Opposite Party***
Mr. Suryaranjan Roul, ASC

CORAM:
JUSTICE S.K. PANIGRAHI

ORDER

Order No.

24.01.2022

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 under Section 482 of the Cr.P.C. to quash the order dated 07.09.2021 and 12.11.2021 passed by the learned JMFC (O), Bhubaneswar in G.R. Case No.434 of 1979(A) issuing N.B.W. against him.
4. Learned counsel for the petitioner submits that the case was instituted on 14.01.1972 before the Chandaka Police Station being P.S. Case No.1 of 1972 by the complainant one Durga Charan Pattanaik of Gramadiha alleging that 15 to 20 unknown persons committed dacoity in his house being armed with lathi, knife and revolver etc, confined him in a room and took away cash as well as gold ornaments. Learned counsel for the petitioner further submits that after lapse of seven years in the self same issue, another FIR was filed on 07.03.1979 bearing

Chandaka P.S. Case No.1 of 1972 which was subsequently registered as G.R. Case No.434 of 1979. When the original case was pending, another case was registered on the self same issue. After lapse of a long time, the N.B.W. was issued against the petitioner on 07.09.2021 and 12.11.2021 for which he could not know to appear before the court on the date fixed.

5. In view of such facts and circumstances, the petitioner is directed to surrender before the court in seisin over the matter within a period of ten days hence. Upon his surrender, the court in seisin over the matter shall consider for releasing him on bail with some stringent conditions so as to ensure his regular attendance on each date of posting of the trial.

6. Accordingly, the CRLMC is disposed of. The orders of issuance of N.B.W. against the petitioner on 07.09.2021 and 12.11.2021 are hereby quashed.

7. 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