

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2906 of 2021

Pankaj Kumar Lenka

....

Petitioner

Ms. Anima Kumari Dei, Advocate

Versus

Republic of India (C.B.I.)

....

Opposite Party

Mr. Sarthak Nayak, (Counsel For C.B.I.)

CORAM:

JUSTICE SAVITRI RATHO

ORDER

05.01.2022

Order No.

01.
 1. This matter is taken up through hybrid mode.
 2. Heard Ms. Anima Kumar Dei, learned counsel for the petitioner and Mr. Sarthak Nayak, learned counsel for the C.B.I.
 3. In this application under Section 482 Cr.P.C., the order dated 18.12.2021 passed by the learned Special Judge, C.B.I. 2nd Court, Bhubaneswar in T.R. Case No. 09 of 2015 corresponding to Bhubaneswar CBI Case No. R.C. (7A) of 2015 issuing N.B.W. of arrest against the petitioner has been challenged.
 4. Learned counsel for the petitioner submits that when the case was posted to 13.12.2021, an application for adjournment had been filed and the case was posted to 18.12.2021. But on account of illness of his counsel, steps could not be taken on that day for which non-bailable warrant of arrest was issued against him on 18.12.2021. As the petitioner was not aware that the case had been adjourned to such an early date, he could not remain present. She further submits that the petitioner has filed the Criminal Revision No.111 of 2017 challenging the order rejecting the application for discharge which is pending before this Court and the CBI has not

filed its written submission in the said case. She further submits that the petitioner is ready and willing to appear before the learned trial Court whenever directed to do so.

5. Mr. Sarthak Nayak, learned counsel for the CBI vehemently opposed the application.

6. I find no illegality in the order issuing NBW of arrest, but as the petitioner has approached this Court expeditiously and in order to ensure the attendance of the petitioner in the trial, it is directed that if the petitioner surrenders before the learned Special Judge, C.B.I. 2nd Court, Bhubaneswar in T.R. Case No. 09 of 2015 within a period of three weeks' from today and files an application for recall of the NBW of arrest and to continue on the same bail, the NBW of arrest shall be recalled and the petitioner shall be allowed to continue on the same bail granted earlier with such further condition as would be fixed by the said Court.

7. The CRLMC is disposed of.

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

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(Savitri Ratho)
Judge

Sukanta