

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2944 of 2021

Tapan Kumar Mishra @ Tapan ***Petitioner***
Mishra @ Pitambar

Mr. Jyotirmaya Sahoo, 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 29.04.2014 passed by the learned S.D.J.M. Khurda in G.R. Case No.487 of 2009, arising out of Khurda P.S. Case No.147 of 2009, issuing N.B.W. against him.
4. Learned counsel for the Petitioner submits that the petitioner is on bail vide order passed by the learned S.D.J.M., Khurda. He was regularly attending the court on each date of posting of the case. However, on 29.04.2014, the petitioner could not remain present in court due to communication gap between him and his conducting counsel. Hence, the learned S.D.J.M. Khurda 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 29.04.2014 passed by the learned S.D.J.M. Khurda 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