

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2971 of 2021

Kaka @ Suryanarayan Pattnaik ***Petitioner***
Mr. G. Mishra, Advocate

Versus

State of Odisha ***Opposite Party***
Mr. P.K. Mohanty, A.S.C.

CORAM:
JUSTICE SAVITRI RATHO

ORDER
16.02.2022

Order No.

01.
 1. This matter is taken up through hybrid mode.
 2. Heard Mr. G. Mishra, learned counsel for the petitioner and Mr. P.K. Mohanty, learned Addl. Standing Counsel for the State.
 3. Defect no.11 is the legible copy of the FIR has not been filed. Since the application under Section 482 Cr.P.C. has been filed challenging the order dated 01.12.2021 issuing NBW of arrest against the petitioner for his non-appearance and failure to take steps, the defect no.11 is ignored and the case is taken up.
 4. In this application under Section 482 Cr.P.C., the order dated 01.12.2021 passed by the learned C.J.M. -cum- Asst. Sessions Judge, Angul in C.T.(S) Case No. 112(A) of 2015 corresponding to Angul P.S. Case No.505 of 2014, issuing N.B.W. of arrest against the petitioner has been challenged.
 5. Learned counsel for the petitioners submits that that the petitioner was on bail but due to communication gap between the petitioner and his counsel the learned trial Court issued NBW of arrest against the petitioner.

6. Perusal of the order dated 01.12.2021 indicates that the petitioner was absent on repeated calls and no steps were taken on his behalf, hence NBW of arrest has been issued against him fixing 11.01.2022 for his production.

7. Although, I find no illegality in the impugned order but in order to secure the attendance of the petitioner during trial, liberty is granted to the petitioner to surrender before the learned court below, i.e., C.J.M. -cum- Asst. Sessions Judge, Angul in C.T.(S) Case No. 112(A) of 2015. If the petitioner surrenders before the learned court below within a period of four weeks and moves an application for bail, on such event the learned Court below shall do well to dispose of the application on the same day.

8. With the aforesaid observation, the CRLMC is disposed of.

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

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(Savitri Ratho)
Judge

Sukanta