IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMP No.1794 of 2026
CNR No. ODHC010818652026

Diptimayee Behera **.....** ***Petitioner***

Represented by Adv. - Arjuna Charana Behera

-versus-

State Of Odisha & Others **.....** ***Opposite Parties***

Represented by Adv. – U.R. Jena, AGA

CORAM:
THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA
ORDER

Order No. **16.11.2026**

01. 1. Heard.

2. The petitioner is the complainant in I.C.C. Case No.13 of 2023, instituted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Her grievance is that although a bailable warrant (B.W.) was issued against Opposite Party No.5, who is the accused in the said case, by the learned J.M.F.C., Badamba, on 04.05.2023, the same has not been executed till date. It is further contended that despite repeated requests made before the learned Trial Court for issuance of a more stringent process against the accused, the learned Trial Court has been repeatedly issuing the bailable warrant without taking any further effective steps. It is submitted that such an exercise has continued since 2023. The petitioner, therefore, seeks a

direction to the learned Trial Court for taking appropriate steps to secure the presence of the accused.

3. On perusal of the case records, it appears that a bailable warrant was initially issued against Opposite Party No.5 on 04.05.2023. Thereafter, the matter was taken up by the learned Trial Court on several occasions, nearly twenty hearing has taken place and on each occasion, the order issuing the bailable warrant was reiterated. Lastly, on 14.08.2026, the learned Trial Court again issued a bailable warrant against the accused.

4. Having regard to the fact that the bailable warrant has remained unexecuted for more than three years, it is expected that the learned Trial Court shall take appropriate and effective steps to secure the presence of the accused, in accordance with law. If the circumstances so warrant, the learned Trial Court may proceed to issue stringent process, including a non-bailable warrant and process under Sections 84 and 85 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Sections 82 and 83 of the Code of Criminal Procedure, 1973) shall also be initiated.

5. Accordingly, the learned J.M.F.C., Badamba, is directed to take appropriate steps, in accordance with law, for securing the presence of Opposite Party No.5 on the next date of hearing. The Opposite Party No.4 shall ensure due execution of the process issued by the learned Trial Court and submit an appropriate execution report before the said Court.

6. Accordingly, the CRLMP is disposed of.

(S.S. Mishra)
Judge

Rati Ranjan

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Reason: Authentication
Location: OHC
Date: 17-Nov-2026 18:18:59