



IN THE HIGH COURT OF ORISSA AT CUTTACK

G.A. No.17 of 1996

State of Orissa

...

Appellant

Mr. T.K. Praharaj, SC

-versus-

Raju @ Rajendra Nag & Others ...

Respondents

Mr. S.K. Dwivedy, Advocate (R.3)

**CORAM:
JUSTICE G. SATAPATHY**

**ORDER(ORAL)
29.07.2024**

Order No.

10.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

2. Mr. Santosh Kumar Dwivedy, learned counsel for Respondent No.3 appearing virtually prays for a short adjournment in the matter.

3. A status report received from learned 1st Addl. Sessions Judge, Rourkela on 23rd July, 2024 is placed before this Court today only, but the same was not placed before this Court when the matter was taken up on 26.07.2024. The status report be kept on record.

4. In the aforesaid situation, the DR (Judicial) is requested to apprise this Court by calling for explanation from the concerned Superintendent as to under what circumstance the aforesaid letter received on 23rd July, 2024 from learned 1st Addl. Sessions Judge, Rourkela has not been produced when the



matter was taken up on 26.07.2024 on which date, this Court has passed order for directing release of Respondent No.3, but could not know about detention of Respondent No.2-Pandit @ Birendra Mundary who has been detained in custody since the date of his arrest on 10.07.2024 notwithstanding to the fact of grant of bail to the Respondents including Respondent Nos.2 & 3 in this appeal. Had this Court known about the status of Respondent No.2 on 26.07.2024, it could have directed for his release on bail, since this Court while admitting the appeal on 30.01.1996 has passed the following order granting bail to the respondents including the detained respondent No.2:-

"Issue warrant of arrest against the respondents to be produced before the Addl. Sessions Judge, Rourkela, who shall release the respondents on bail on their furnishing bond of Rs.10,000/- (Rupees Ten Thousand) each with one surety for the like amount".

5. It appears from the status report that NBWA was issued against the respondents, but this Court has never directed for issuance of NBWA against the respondents, however, a result of issuance of NBWAs, Respondent No.3-Gopal Das was arrested on 11.03.2024 and remanded to custody on 12.03.2024, whereas Respondent No.2-Pandit @ Birendra Mundary, was arrested and remanded to custody on 10.07.2024. The admitted fact is that both the respondents along with the rest three



respondents were directed to be released on bail by this Court while issuing warrant of arrest on 30.01.1996. Further, the status report reveals that Respondent No.4-Bala @ Baldev Bankra has since been expired on 06.01.2024 and thereby, the appeal against Respondent No.4 stands abated. The status report further reveals about pendency of NBWAs against Respondent No.1 Raja @ Rajendra Nag and Respondent No.5-Bimal Tirkey. In the aforesaid situation, this Court, however, reminds the learned 1st Addl. Sessions Judge, Rourkela that this Court has never directed for issuance of NBWAs against the respondents, rather the order dated 30.01.1996 passed by this Court reveals about issuance of conditional warrant of arrest against the respondents which is indicated supra.

6. This Court, however, with much pain and anguish expresses that one of the respondents who had already been granted bail, was forced to seek bail again from this Court.

7. In the aforesaid premises, this Court however, requests the learned 1st Addl. Sessions Judge, Rourkela to submit the soft copy of Part File record forthwith and to recall the NBWAs which have been issued and pending against respondents Raja @ Rajendra Nag and Bimal Tirkey and instead, requests him to issue fresh warrant of arrest against the aforesaid two respondents to be produced before him



on such terms and condition of order dated 30.01.1996 passed in this appeal.

8. The learned 1st Addl. Sessions Judge, Rourkela is, however, requested to inform respondent Pandit @ Birendera Mundry about the order passed by this Court on 30.01.1996 which is still in force and if the respondent, files such surety for the said amount, he shall immediately direct the release of respondent Pandit @ Birendera Mundry from the custody.

9. List this matter on 14th August, 2024.

10. A copy of this order be communicated to the concerned Court forthwith by e-mail or any other mode of express communication.

(G. Satapathy)
Judge

S. Sasmal