



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1028 of 2025

Chinku Chandan Das @ ***Petitioner(s)***
Chiku Chandan Das Adhikari

Mr. S. Mohapatra, Advocate

-versus-

State of Odisha ***Opp. Party(s)***

Mr. B. Nayak, AGA

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER
27.03.2025

Order No.

01.

1. Heard.

2. The petitioner is one of the accused in Khaira P.S. Case No.13(5) of 2012 registered for the alleged commission of offence under Section 379 of I.P.C.

3. After investigation, charge-sheet has been filed in the present case on 24.05.2019 showing the petitioner as an absconder. The learned J.M.F.C., Soro vide order dated 27.08.2012 in C.T. Case No.99 of 2012 issued NBW against the petitioner. The said NBW could not be executed. Therefore, on various dates, the learned trial Court has recorded that the NBW has not been executed. Eventually, on 16.05.2024, the learned J.M.F.C., Soro has passed the following order:-



“NBW/A has not been executed for Chandan Das Adhikari. Other accused are absent and takes no step. Put up on 21.5.25 for production of accused C. Adhikari.”

The petitioner is aggrieved by the said order and has approached this Court by filing the present petition. In this petition the petitioner has also assailed the cognizance order dated 03.07.2012 passed by the learned J.M.F.C., Soro in C.T. Case No.99 of 2012.

4. I am not inclined to entertain this petition at this stage of cognizance particularly because of the reason that the petitioner has been absconding since 2012.

5. At this stage, learned counsel for the petitioner on instruction from his client submits that his client would be appearing before the Court below on or before 20.04.2025 and resort to the remedy available to him under law. He further submits that the other co-accused persons have already been granted bail, therefore he may be allow to urge the point of parity while seeking bail.

6. Subject to the petitioner appearing/surrendering before the Court below on or before 20.04.2025 and paying a cost of Rs.1000/- to the Soro Bar Association Welfare Fund, the execution of NBW issued by the learned J.M.F.C., Soro against the petitioner on



16.05.2024 in C.T. Case No.99 of 2012 shall remain stayed till 20.04.2025. It is open for the petitioner to move application before the Court below for grant of bail on all the grounds including the ground of parity. It is also made clear that no further extension of time will be granted to the petitioner to surrender.

7. With this observation, the CRLMC is disposed of.

(S.S. Mishra)
Judge

Swarna

Signature Not Verified

Digitally Signed
Signed by: SWARNAPRAVA DASH
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 28-Mar-2025 14:01:33

