



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2559 of 2025

***Bimalendu Swain@ Babulu and
others***

.....

Petitioners

Represented By Adv. –
Mr. Anam Charan Panda

-versus-

State of Odisha

.....

Opposite Party

Represented By Adv. –
Mr. C.M. Singh, ASC

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
25.07.2025

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical Mode).
2. Heard learned counsel for the parties and perused the records.
3. The Petitioners being aggrieved by the order dated 18.06.2025 whereby an NBW of arrest has been issued against them by the learned Assistant Sessions Judge-cum-C.J.M., Puri in S.T. Case No.58 of 2013, has approached this Court by filing the instant application with a prayer to quash such order.
4. Learned counsel for the Petitioners submitted that initially the Petitioners were on bail in the year 2013. He further submits that since the date of their release on bail the Petitioners were appearing before the court in seisin over the matter and cooperate



with the trial. However, due to wrong posting of the date in the diary of their Advocate's Clerk, Petitioners could not know about the exact date of posting of the case. Therefore, they could not know the exact date. As a result of which, a non-bailable warrant of arrest was issued against the Petitioners. It was further contended that for the laches on the part of the counsel, the party should not be allowed to suffer. Therefore, being aggrieved by order dated 18.06.2025, the Petitioners have approached this Court with a prayer to quash the same.

5. On perusal of the record, this Court is of the view that the trial court has not committed any illegality, however, in the larger interests of justice and in order to provide another opportunity to the Petitioners, this Court deems it proper to set aside the order dated 18.06.2025 passed by the learned Assistant Sessions Judge-cum-C.J.M., Puri in S.T. Case No.58 of 2013, subject to payment of cost of Rs.500/- (Rupees five hundred) by the Petitioners to the Advocates' Welfare Fund of Local Bar Association within fifteen days and furnishing money receipt thereof as proof of deposit. Further, it is directed that the Petitioners shall appear before the learned Assistant Sessions Judge-cum-C.J.M., Puri within fifteen days from today along with a copy of this order and shall continue to participate in the proceeding without any further default. In the event, the Petitioner makes any further default in appearance, it is open to the Court in seisin over the matter to take necessary coercive steps against the Petitioners. The aforesaid order shall be subject to the condition that the trial court shall verify the fact as to whether the Petitioners were earlier released on bail. In the



event the Petitioners were released on bail, then this order would stand, otherwise this order be automatically revoked.

6. The CRLMC is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Debasis