



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2653 of 2025

***Basanta Samantaray@basanta
Kumar Samantaray***

.....

Petitioner

Represented By Adv.
- Jyotirmaya Sahoo

-versus-

State Of Odisha

.....

Opposite Party

Represented By Adv. –
Mr. C.M.Singh, A.S.C.

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

22.07.2025

Order No.

- 01.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State-Opposite Party.
 3. The Petitioner is aggrieved by the order dated 21.06.2025 on which date the NBW of arrest has been issued against him by the learned Asst. Sessions Judge, Banpur in S.T. No.04/35 of 2020.
 4. Learned counsel for the petitioner submitted that initially the petitioner was on bail. He further submits that since the date of his release on bail the petitioner was appearing before the Court in seisin over the matter. However, on the date fixed for appearance before the Court in seisin over the matter, due to communication gap with his lawyer, the petitioner was unable to appear since no step was taken to represent the petitioner by the counsel appearing for him. Therefore, a non-bailable warrant of arrest was issued



against the petitioner. 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 21.06.2025, the petitioner has 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 Petitioner, this Court deems it proper to set aside the order dated. 21.06.2025 passed by the learned Asst. Sessions Judge, Banpur in S.T. No.04/35 of 2020, subject to payment of cost of Rs.500/- (Rupees Five Hundred) by the Petitioner 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 Petitioner shall appear before the learned Asst. Sessions Judge, Banpur 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 Petitioner.

6. The CRLMC is accordingly, disposed of.

(A.K. Mohapatra)
Judge

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