



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2746 of 2025

Niku Rout

.....

Petitioner

Represented By Adv. –
Mr. Jyotirmaya Sahoo

-versus-

State of Odisha

.....

Opposite Party

Represented By Adv. –

Mr. S.K. Parhi, 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 Petitioner being aggrieved by the order dated 25.09.2023 whereby an NBW of arrest has been issued against him by the learned 1st Additional Sessions Judge, Khordha in T.R. Case No.137 of 2021, has approached this Court by filing the instant application with a prayer to quash such order.
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 could not able to appear before the Court in seisin over the matter and no step was taken on his behalf. 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 25.09.2023, 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 25.09.2023 passed by the learned 1st Additional Sessions Judge, Khordha in T.R. Case No.137 of 2021, subject to payment of cost of Rs.1,500/- (Rupees one thousand 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 1st Additional Sessions Judge, Khordha within twenty 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. The aforesaid order shall be subject to the condition that the trial court shall verify the fact as to whether the Petitioner was earlier released on bail. In the event the Petitioner was 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.

Signature Not Verified

Digitally Signed
Signed by: DEBASIS AECH
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 28-Jul-2025 17:34:54



(A.K. Mohapatra)
Judge