



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No. 1538 of 2025

Bhanumati Swain

....

Petitioner

Mr. A.K. Budhia, Advocate
On behalf of Mr. D. Nayak, Advocate

-versus-

State of Odisha & Others

....

Opp. Parties

Mr. A.K. Apat, Addl. P.P.

CORAM:

THE HON'BLE MR. JUSTICE CHITTARANJAN DASH

ORDER

17.12.2025

Order No.

01. 1. Heard learned counsel for the Parties.
2. By means of this application, the Petitioner seeks the intervention of this Court for a direction to the Opposite Party Nos. 1 to 3 to take appropriate action against the Opposite Party No.4.
3. Learned counsel for the Petitioner submits that pursuant to the complaint case filed by the Petitioner before the learned J.M.F.C., Pipili, Dist.-Puri, registered as 1.C.C. Case No.151 of 2022, the learned court, vide order dated 15.03.2023, passed a bailable warrant. However, the same could not be executed till date, and subsequently, the court has passed a non-bailable warrant on 15.09.2025.



4. As seen from the order sheet passed by the learned J.M.F.C., Pipili, District–Puri, it appears that the order regarding execution of the bailable warrant remained pending for years, despite there being clear guidelines governing the manner in which a court is required to act upon issuance of a bailable warrant. In the absence of any material before the court, a non-bailable warrant was eventually issued on 15.09.2025 without recalling the earlier bailable warrant. The court is required to exercise due caution in this regard. Accordingly, the learned District & Sessions Judge, Puri, is directed to examine the case record and issue appropriate instructions to the Magistrate concerned to act strictly in accordance with law.

5. Needless to mention that the court passing the NBW is to execute the order by itself adhering to the possible steps to be taken, in accordance with law. The court is accordingly directed to explore the possibility of ensuring the NBW to be executed by the authority and for its non-execution to proceed in accordance with law against the arraying police authorities even to the extent of initiation of contempt.

6. Accordingly, the CRLMP stands disposed of.

(Chittaranjan Dash)
Judge