



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.4971 of 2025

***Ganeswar @ Ganesh Chandra
Sahoo and another***

.....

Petitioners

Represented by Adv. -
Sapan Kumar Lenka

-versus-

State Of Orissa

.....

Opposite Party

Ms. B.K. Sahu, AGA

CORAM:

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

ORDER

15.12.2025

Order No.

- 03.
1. This matter is taken up through Hybrid mode.
 2. This matter is taken up Court's own motion.
 3. On perusal of orders dated 27.11.2025 & 03.12.2025, it appears that some typographical errors have been made inadvertently in the said orders.
 4. In such view of the matter, the orders dated 27.11.2025 & 03.12.2025 passed by this Court in CRLMC No.4971 of 2025, are hereby recalled and in its place the following order is passed.

CRLMC No.4971 of 2025

5. Heard learned counsel for the parties and perused the records.



6. The Petitioners being aggrieved by the order dated 31.01.2024 whereby an NBW of arrest has been issued against him by the learned 1st Additional Sessions Judge, Cuttack in Spl. G.R. Case No.09 of 2016, has approached this Court by filing the instant application with a prayer to quash such order.

7. Learned counsel for the Petitioners submitted that initially the Petitioners were on bail on 20.02.2016. He further submits that since the date of their release on bail the Petitioners were 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 their lawyer, the Petitioners could not appear before the court in seisin over the matter and no step was taken on their behalf. Therefore, a non-bailable warrant of arrest was issued against the Petitioners. Learned counsel for the Petitioners at this juncture contended that the Petitioners had no intention to avoid appearance before the trial court as they were appearing from the year 2016 to 2024 as and when their presence is required. He further submitted that the Petitioners are ready and willing to cooperate with the trial court provided an opportunity given to them.

8. 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 31.01.2024 passed by the learned 1st Additional Sessions Judge, Cuttack in Spl. G.R. Case No.09 of 2016, subject to payment of cost of Rs.1,200/- (Rupees one thousand two hundred) by the Petitioners to the Advocates' Welfare Fund of Local Bar Association within



twenty days and furnishing money receipt thereof as proof of deposit. Further, it is directed that the Petitioners shall appear before the court in seisin over the matter within twenty days from today along with a copy of this order and shall continue to participate in the proceeding without any further default unless their personal appearance is dispensed with by the trial court. In the event, the Petitioners make 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.

9. The CRLMC is, accordingly, disposed of.

Issue urgent certified copy of this order as per Rules.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout