



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.5147 of 2025

Debesh Chandra Nayak

.....

Petitioner

Represented By Adv. –
Mr. Kuldeep Mohanty

-versus-

State of Odisha

.....

Opposite Party

Represented By Adv. –

Smt. Sasmia Nayak, ASC

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

ORDER
05.12.2025

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State-Opposite Party. Perused the application as well as the prayer made therein.
3. By filing the present application under Section 482 of Cr.P.C. read with Section 528 of BNSS, 2023, the Petitioner seeks quashing of the order dated 01.11.2025 passed by the learned J.M.F.C., Soro in 1.C.C. Case No.166 of 2013.
4. Learned counsel for the Petitioner, at the outset, contended that the present application arises out of a criminal proceeding, which was initiated for commission of an offence punishable under Section 138 of the N.I. Act. Accordingly, the Petitioner on being



summoned appeared in 1.C.C. Case No.166 of 2013 before the learned J.M.F.C., Soro. While such proceeding was pending, the Petitioner moved an application under Section 205 of the Cr.P.C., which was allowed vide order dated 16.10.2013. Thereafter, the Petitioner was being represented by his counsel, however, no step was taken by the Petitioner, as a result of which, the trial court has issued BW/A against the Petitioner vide order dated 09.05.2025.

5. Further, referring to the order under Annexure-1 series, learned counsel for the Petitioner contended that on 09.05.2025, no steps were taken on behalf of the Accused-Petitioner, as a result of which, the trial court issue a B.W./A of Rs.20,000/- against the Accused-Petitioner fixing the date to 19.06.2025.

6. On perusal of the order dated 14.08.2025 as well as the order dated 01.11.2025, it appears that subsequently an N.B.W./A has been issued, however, copy of such order has not been annexed to the present application. At this point, learned counsel for the Petitioner disputed the fact that the N.B.W. was ever issued against the present Petitioner. He further submitted that only a B.W. has been issued, however, erroneously the same has been reflected as N.B.W. in subsequent orders.

7. Taking into consideration the aforesaid facts and circumstances and keeping in view the fact that the complaint is of the year 2013, this Court, in the larger interest of justice, deems it proper to dispose of the CRLMC application by directing the Petitioner to surrender before the court below within three weeks from today and move an application for recalling of the order



issuing B.W./N.B.W. against the present Petitioner. In such eventuality, the trial court shall recall such order subject to the Petitioner paying cost of Rs.2,000/- (Rupees two thousand) to the Complainant. In the event the Petitioner fails to surrender before the court below within the stipulated period of time, it is open to the trial court to take any coercive measure against the Petitioner so as to ensure his appearance before the trial court.

8. Further, taking into consideration the fact that the case is of the year 2013, the trial court shall do well to conclude the trial as expeditiously as possible, preferably within a period of four weeks from the date of communication of a copy of this order. The Petitioner shall appear before the trial court and cooperate with the trial court for early conclusion of the trial.

9. With the aforesaid observation and direction, the CRLMC stands disposed of.

(A.K. Mohapatra)
Judge

Debasis