



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.5265 of 2025

***Gandhi @ Prakash Behera
and another***

.....

Petitioners

Represented by Adv. -
Rabindra Nath Panda

-versus-

State Of Orissa

.....

Opposite Party

Mr. S.K. Brahma, ASC

CORAM:

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

ORDER

11.12.2025

Order No.

01. 1. This matter is taken up through Hybrid mode.
2. Heard learned counsel appearing for the Petitioners and learned counsel for the State-Opposite Party. Perused the materials placed before this Court.
3. The Petitioners are aggrieved by the order dated 04.04.2024 on which date the non-bailable warrant of arrest has been issued against them by the learned J.M.F.C., Badamba in G.R. Case No.29 of 2013. Learned counsel for the Petitioners submitted that earlier the Petitioners were on bail since 11.05.2018, after which the Petitioners were appearing before the learned Court in seisin over the matter after they were released on bail. However, on one of the dates fixed for appearance, due to illness there was communication gap with their lawyer, the Petitioners were unable to appear since no step was taken to represent the Petitioners by the counsel appearing



for them. Thereafter, a non-bailable warrant of arrest was issued against the Petitioners. 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 such order the Petitioners have approached this Court with a prayer to quash order dated 04.04.2024.

4. 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 04.04.2024 by the learned J.M.F.C., Badamba in G.R. Case No.29 of 2013, subject to payment of a cost of Rs.1000/- by each of the Petitioners to the Advocates' Welfare Fund of Local Bar Association within fifteen days and furnishing money receipt thereof in proof of deposit. Further, it is directed that the Petitioners shall appear before the learned J.M.F.C., Badamba within ten days from today along with a copy of today's order and shall continue to participate in the proceeding without any further default. 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.

5. In such view of the matter, the CRLMC is allowed.

(Aditya Kumar Mohapatra)
Judge