



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.5224 of 2025

Md. Khalil Ansari

.....

Petitioner

Represented By Adv. -
Anjan Kumar Biswal

-versus-

State Of Odisha & Anr.

.....

Opp. Parties

Represented By Adv. -
S.K. Parhi, A.S.C.

CORAM:

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

ORDER

09.12.2025

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 No.1. Perused the application as well as the prayer made therein.
3. By filing the present application under Section 528 of BNSS the Petitioner seeks to challenge the order dated 31.10.2025 passed by the learned SDJM, Baripada, Mayurbhanj in 1.C.C No.03/03 of 2025 as well as the entire criminal proceeding. The abovenoted complaint case was lodged at the instance of the Opposite Party No.2 as complainant for commission of an offence punishable



under Section 138 of the NI Act.

4. Learned counsel for the Petitioner at the outset contended that initially the personal appearance of the Petitioner was dispensed under Section 205 of the Cr.P.C. However, due to communication gap, the Petitioner could not appear before the learned trial court on 31.10.2025 and, on that date, the counsel appearing for the Petitioner took steps under Section 355(1) of the BNSS and a written note of argument was filed on behalf of the Petitioner by his conducting counsel. However, the application under Section 355(1) of the BNSS was rejected by the learned trial court vide order dated 31.10.2025. He further submitted that in the meantime an NBW has been issued against the present Petitioner vide order dated 31.10.2025.

5. A copy of such NBW of arrest was produced in court today. The same is taken on record.

6. Taking into consideration the aforesaid facts, the Petitioner is permitted to surrender before the court below and move an application for recalling NBW dated 31.10.2025. In such eventuality, the learned trial court shall provide another opportunity to the Petitioner and recall the NBW subject to Petitioner paying a cost of Rs.1000/- (Rupees One thousand) to the complainant. Further, the Petitioner shall participate in the trial court in person unless his personal appearance is dispensed with by the learned trial court. In the event the Petitioner fails to appear, it will be open to the learned trial court to proceed against the Petitioner as per law.

7. With the aforesaid observations/ directions, the CRLMC



stands disposed of.

Issue urgent certified copy of this order as per Rules.

(*Aditya Kumar Mohapatra*)
Judge

Anil