



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2723 of 2024

Prasanna Routray

.....

Petitioner

Represented By Adv. -
Somanath Mitra

-versus-

State Of Odisha

.....

Opposite Party

Represented By Adv. -
M.R.Mishra, A.S.C.

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

ORDER

31.07.2024

Order No.

- 01.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel for the State-Opposite Party.
 3. The Petitioner is aggrieved by the order dated 11.01.2019 on which date the NBW of arrest has been issued against him by the learned 3rd ADJ, Bhubaneswar, Khurda in T.R. Case No.1 of 2018. As no step was taken to represent the Petitioner by the counsel appearing for him, NBW of arrest was issued against the Petitioner. For the laches of the counsel, the parties should not be allowed to suffer.
 4. Learned counsel for the petitioner submitted that initially the petitioner was on bail, he further submits that since the date of his release on bail the petitioner was 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 none taking steps of the conducting counsel, the petitioner was unable to appear since no step was taken to represent the petitioner by the counsel appearing for him.



Accordingly, a non-bailable warrant of arrest was issued against the petitioner. 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 petitioner has approached this Court with a prayer to quash order dated 11.01.2019.

5. 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 Petitioner, this Court deems it proper to set aside the order dated 11.01.2019 by the learned 3rd ADJ, Bhubaneswar, Khurda in T.R. Case No.1 of 2018, subject to payment of cost of Rs.2,000/- by the Petitioner to the Advocates' Welfare Fund of Local Bar Association within fifteen days and furnishing money receipt thereof as proof of deposit. Further, it is directed that the Petitioner shall appear before the learned 3rd ADJ, Bhubaneswar within ten days from today along with a copy of this order and shall continue to participate in the proceeding without any further default. In the event, the Petitioner makes any further default in appearance, it is open to the Court in seisin over the matter to take necessary coercive steps against the Petitioner.

6. In such view of the matter, the CRLMC is disposed of.

(A.K. Mohapatra)
Judge

Rubi

Signature Not Verified

Digitally Signed
Signed by: RUBI BEHERA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 05-Aug-2024 12:02:40

