

(2024) 02 OHC CK 0227
In the Orissa High Court
Case No : Criminal Appeal No. 222 Of 1992

Lalit Madhab Mishra

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 26-02-2024

Acts Referred:

Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 21

Citation : (2024) 02 OHC CK 0227

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : S. S. Kanungo

Final Decision : Disposed Of

Judgement

Savitri Ratho, J

1. This appeal has been filed by the complainant challenging the judgment dated 27.04.1992 passed in S.T. Case No. 03/49 of 1991 arising out of G.R. Case No. 210 of 1990 in the Court of learned S.D.J.M., Puri and Kumbharapara P.S. Case No. 22 of 1990 convicting the appellant for commission of the offence punishable under Section 21 of the N.D.P.S. Act and sentencing him to undergo RI for 10 years and to pay fine of Rs.1 lakh in default to undergo for further RI for one year.

2. On 01.07.1992, when the appeal was admitted, in Misc. case No. 306 of 1992, the realization of fine had been stayed and in Misc. Case No. 298 of 1992, the appellant had been directed to be released on bail.

3. On 04.11.2016, when the matter had been listed, as none had appeared on behalf of the appellant, observing that the case is of the year 1992, this Court had issued NBW against the appellant and the Superintendent of Police, Puri had been directed to ensure the execution of the NBW through the IIC, Puri Town Police Station within a period of one month and to produce the appellant before the Trial Court for his recommitment to jail to undergo the sentence and to

intimate the appellant that if he wants to engage any other counsel on his behalf, he could do so within one week of his arrest or in case of his failure to do so, to intimate the Court.

4. The matter had been listed thereafter on 16.07.2019 on which date a report had been called from the Superintendent of Police, Puri through the IIC, Puri Town Police Station.

5. Thereafter, on 12.08.2021 the learned counsel for the State had been directed to get instruction regarding the health condition as well as well being of the appellant. Today, when the matter is listed, none appears for the appellant.

6. Mr. S. S. Kanungo, learned Additional Government Advocate submits that the IIC Puri Town Police Station by report dated 18.09.2021 has informed that since 1993, the appellant has left Puri after selling his landed property and his present whereabouts could not be traced, but he was making efforts for tracing his whereabouts.

7. Hence, list this case on 04.03.2024 to enable Mr. S. S. Kanungo, learned Additional Government Advocate to obtain instructions from the IIC, Puri Town Police Station regarding the whereabouts as well as wellbeing of the appellant.

8. A copy of this order be handed over to Mr. S. S. Kanungo, learned Additional Government Advocate to obtain for onward transmission to the IIC, Puri Town Police Station.

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