

(2024) 03 OHC CK 0174
In the Orissa High Court
Case No : CRLREV No. 75 Of 2024

Ranjeet Singh @ Lali

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 20-03-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 70(2), 317
Indian Penal Code, 1860 — Section 394, 397
Arms Act, 1959 — Section 25, 27

Citation : (2024) 03 OHC CK 0174

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : Mohammed Mustaq Ansari, S. S. Mohapatra

Final Decision : Disposed Of

Judgement

Savitri Ratho, J

1. This revision has been filed challenging the orders dated 20.12.2022, 15.05.2023 and 13.02.2024 passed by the learned 1st Additional District & Sessions Judge, Sambalpur in S.T. Case No. 166/7/10 of 2012-13. Although the revision is not maintainable against multiple orders. Mr. Ansari, learned counsel for the petitioner confines his prayer to order dated 13.02.2024, by which order, the prayer of the petitioner to recall the NBW issued against him on 20.12.2022 and 15.05.2023 has been rejected.

2. The petitioner is facing trial for commission of offences under Section 394, 397 of the IPC, read with Section 25 & 27 of the Arms Act. He had been granted bail by this Court in BLAPL No. 25297 of 2012 on 17.12.2012 and had been released on bail on 24.12.2012 by learned Sessions Judge, Sambalpur.

3. On 20.12.2022, as the petitioner and other two accused persons were found absent on call and no steps had been taken on the behalf, in spite of the condition in the bail order that they should appear in person on each date, NBW

was issued against the petitioner and the co-accused persons fixing 01.02.2023 for their production.

4. On 15.05.2023, the learned Trial Court found that NBW issued against the accused persons had not been issued. On the same day the application filed by the petitioner under Section 317 of the Cr.P.C was rejected and NBW was issued fixing 19.07.2023.

5. Mr. M. M. Ansari, learned counsel for the petitioner appearing from the virtual High Court at Sambalpur submits that on 12.12.2022, an unfortunate incident had taken place and there was agitation by the lawyers in Sambalpur for which neither the petitioner nor his counsel could be present in Court on 20.12.2022.

6. On 29.01.2024, a petition was filed by the petitioner under Section 70(2) of the Cr.P.C. for recall of the NBW issued against the petitioner as his non-appearance in the Court and failure of the counsel to take steps was unintentional and unavoidable. But this application has been rejected by order dated 13.02.2024 by the learned 1st Additional Sessions Judge, Sambalpur. He also submits that the petitioner was released on bail in 2012, steps were being taken on behalf of the petitioner on all dates, but on 20.12.2022 on account of inadvertent circumstances steps could not be taken for which NBW was issued against him. He further submits that the petitioner is willing to abide by the conditions of the bail order and remain present in the Court on each date, it is fixed for trial for which the NBW issued against him, may be recalled.

7. Ms. S. Mishra, learned Additional Standing counsel opposes the prayer stating that in the midst of trial the petitioner has defaulted in appearance and thereafter avoided to appear in the Court for almost 1 year, for which he does not deserve any indulgence from this Court.

8. Considering the submissions of the learned counsel, especially the submission that the petitioner had been released on bail in December, 2012 and steps were being taken on his behalf on each date in this case till 20.12.2022 and on account of inadvertent circumstances there was a default on 20.12.2022 for which NBW has been issued, I am inclined to set aside the order dated 13.02.2024 and direct that if the petitioner surrenders in the court of the learned 1st Additional Sessions Judge, Sambalpur on or before 27.03.2024 and files an application for bail, he shall be released on bail on the same terms and conditions as imposed in order dated 24.12.2012. It is further directed that the petitioner shall appear personally in Court on each date fixed for trial unless his personal attendance is dispensed with any particular date subject to filing of an application under Section 317 of the Cr.P.C.

9. The Criminal Revision is accordingly disposed of.

10. Urgent certified copy of this order be granted on proper application.

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