
(2021) 07 OHC CK 0184
In the Orissa High Court
Case No : Bail Application No. 800 Of 2021

Sk. Sajan @ Hasina Biwi

APPELLANT

Vs

State Of Odisha

RESPONDENT

Date of Decision : 22-07-2021

Acts Referred:

Citation : (2021) 07 OHC CK 0184

Hon'ble Judges : Savitri Ratho, J

Bench : Single Bench

Advocate : S.R.Mulia, S. S. Mohapatra

Judgement

Savitri Ratho, J

1.Â Â Â This matter is taken up by Video Conferencing mode.

2. Heard Mr.S.R.Mulia, learned counsel for the petitioners and Mr.S.S.Mohapatra, learned Addl. Standing Counsel for the State.

3. Perused the report dated 20.07.2021 of the Registrar (Judicial). He has stated that the orders passed in this case as well as in the other six cases

which had not been passed or signed have been deleted from the website of the Honâ??ble Court and he has prayed for further time to complete the enquiry.

4. But I am informed that alongwith the orders which had been directed to be deleted vide order dated 15.07.2021,Â the orders which had actually

been passed on 01.07.2021 and signed have also been deleted. It is therefore directed that after checking the files, the copies of these orders should

be uploaded on the website. It is also directed that in the cases where the orders were final orders, copy of the order should be sent to the concerned

Court , so that the correct order is retained in the lower court record .

5. L.C.R. in G.R. Case No.1251 of 2020 has been received . I have perused the copy of the order dated 01.07.2021 which has been countersigned

and filed by the learned counsel for the petitioners in the learned Court below , on the basis of which the petitioners have been released on bail on

10.07.2021 . As the said order dated 01.07.2021 purportedly granting bail to the petitioners is full of errors and it is mentioned in the operative portion

that the â??..prayer for bail is allowed / rejectedâ??. the same should not have been countersigned by the learned counsel and filed in the learned Court

below nor should it have been acted upon by the learned Magistrate without praying for a clarification.

6. Perusal of the order sheet in GR CASE No 1251 of 2020 reveals that on the basis of this order dated 01.07.2021 , the petitioners have been

released on bail by the learned J.M.F.C. (City), Cuttack by order dated 10.07.2021. As that order dated 01.07.2021 has not been passed by this Court

, the accused persons are directed to surrender before the court of learned J.M.F.C. (City), Cuttack within a period of seven days, who shall remand

them to jail custody .If the petitioners do not surrender by 28.07.2021 , non bailable warrant of arrest will be issued on 28.07.2021 by learned JMFC

(City) Cuttack for their apprehension. The learned JMFC shall intimate this Court by 29.07.2021 about their surrender.

7. The L.C.R. in G.R Case No 1251 of 2021 be sent back after preparing i) a copy of the ordersheet containing orders passed in July 2021, ii) copy of

the petitions filed between 08.07.2021 and 10.07.2021 on behalf of the petitioners iii) copy of the downloaded case details in BL APL No 800 of 2021

and iv) copy of the order dated 01.07.2021 bearing the attestation by the learned counsel for the petitioners . One set of these copies be supplied to the

Registrar (Judicial) who is conducting enquiry , alongwith a copy of this order.

8. Case diary submitted by the learned Addl. Standing Counsel , be returned to him .

9. List this matter on 30.07.2021 for further orders.

10. The learned JMFC (City) Cuttack, is directed to send a report , regarding surrender/ non surrender of the petitioners to this Court by 29.07.2021 .

11. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order

available in the High Courtâ??s website, at par with certified copy, subject to

attestation by the concerned advocate, in the manner prescribed vide

Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021..

â?|â?|â?|â?|â?|â?|â?|â?|â?|