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**(2023) 11 OHC CK 0084**

**In the Orissa High Court**

**Case No :** Bail Application No. 7866 Of 2023

Sricharan Minz — APPELLANT

Vs

State Of Odisha — RESPONDENT

**Date of Decision :** 28-11-2023

**Acts Referred:**
Code of Criminal Procedure, 1973 — Section 164

**Citation :** (2023) 11 OHC CK 0084

**Hon'ble Judges :** M.S.Sahoo, J

**Bench :** Single Bench

**Advocate :** D.K.Mohapatra, D. Nayak

**Final Decision :** Disposed Of

## Judgement

M.S.Sahoo, J

1. Learned counsel for petitioner submits that as per the instruction received from the petitioner, petitioner does not want to press the petition.

2. On 7.11.2023 none had appeared for the petitioner and the following order was passed :

"1. The mother of the victim (name withheld) being present at the virtual court of the Orissa High Court, Rourkela at Sundergarh being identified by the Court staff opposes the prayer for bail of the petitioner. 2. This Court has the occasion to go through the statement of the victim recorded by the learned J.M.F.C. under Section 164 Cr.P.C. 3. Since no one is appearing for the petitioner, to grant another opportunity to the petitioner, list on 14.11.2023."

3. On 14.11.2023 following order was passed when adjournment was sought for on behalf of the learned counsel for the petitioner :

"1. The prayer for adjournment is made on behalf of the learned counsel for the petitioner. On 07.11.2023 none had appeared for the petitioner though the matter was called twice over and the following order was passed after hearing

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the informant, the mother of the victim present at the virtual court of the Orissa High Court, Rourkela at Sundargarh and going through the statement of the victim recorded under Section 164, Cr.P.C : "1. The mother of the victim (name withheld) being present at the virtual court of the Orissa High Court, Rourkela at Sundargarh being identified by the Court staff opposes the prayer for bail of the petitioner. 2. This Court has the occasion to go through the statement of the victim recorded by the learned J.M.F.C. under Section 164, Cr.P.C. // 2 // Page 2 of 2 3. Since no one is appearing for the petitioner, to grant another opportunity to the petitioner, list on 14.11.2023." Despite sufficient indulgence having been shown to the petitioner, no one is appearing for the petitioner to advance arguments. To grant opportunity, as a last chance though the petitioner is otherwise not entitled for the same, since it is stated by the learned proxy counsel that learned counsel for the petitioner is suffering from fever and would be recovering in about two weeks taking an extremely sympathetic view, the matter is adjourned to 28.11.2023."

4. Today when the matter is taken up, memo dated 28. 11.20223 indicating instruction from the petitioner as indicated above, is filed. The memo is taken on record.

5. In view of the above, the petition stands dismissed at this stage.

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