

Nikhil Tapali Vs. State

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Court : Orissa

Decided On : Jan-10-2014

Appellant : Nikhil Tapali

Respondent : State

Judgement :

CRLMC No.1833 of 2013 Misc.

Case No.1246 of 2013 03.

10.1.2014 This is an application for dispensing with filing of certified copies of the Annexures-1 and 2.

Considering the submission made, filing of the certified copies of the Annexures-1 and 2 are dispensed with.

Misc.

Case is accordingly disposed of.

Issue urgent certified copy as per rules.

...

S.C.Parija, J.

CRLMC No.1833 of 2013 03.

10.1.2014 Heard Mr.N.Panda, learned counsel for the petitioner and the learned Additional Standing Counsel for the State.

In this application under Section 482 Cr.P.C., the petitioner has sought for quashing of the criminal proceeding in T.R.Case No.38(A) of 2001 arising out of Chitrakonda P.S.Case No.25 of 2001 dated 23.06.2001, Additional Sessions pending before the learned Judge-cum-Special Judge, Malkangiri, inter alia, on the ground that one coaccused-Purna Chandra Nayak has been apprehended and in the split up case i.e.in T.R.Case No.38 of 2001 had faced trial and had been acquitted vide judgment dated 25th July, 2009 passed by the learned Additional Sessions Judgecum-Special Judge, Malkangiri.

2 Mr.Panda, learned counsel for the petitioner submits that in view of the aforesaid judgment, no purpose will be served in continuation of the aforesaid criminal proceeding.

On perusal of the judgment of the trial court in the case of the co-accused persons, namely, K.Balaji Rao and Purna Chandra Nayak as well as the F.I.R., I find no justifiable ground for granting relief as prayed for in the present petition.

However since the co-accused persons, namely, K.Balaji Rao and Purna Chandra Nayak have been acquitted, it is directed that if the petitioner surrenders before the learned Additional Sessions Judge-cum-Special Judge, Malkangiri within a period of four weeks from today and moves an application for bail, he shall be released on bail on such terms and conditions as would be fixed by the said court.

If the petitioner fails to surrender within the time stipulated, necessary steps be taken in accordance with law.

The N.B.W.issued against the petitioner shall No.be executed for a period of four weeks from today.

The CRLMC is disposed of.

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

S.C.Parija, J.

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