

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.118 of 2022

***1.Bharat Bhoi
2.Laxmi Bhoi
3. Bhakta Bhoi***

.... Petitioners

Mr. B.B.Routray,
Advocate

-versus-

State of Odisha

.... Opposite Party

Mr.A. Pradhan,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

25.1.2022.

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard Mr. B.B.Routray, learned counsel for the Petitioners, and Mr. A. Pradhan, learned Addl. Standing Counsel for the State.
3. This is an application under Section 482 of the Cr.P.C. The Petitioners are accused persons in C.T. Case No.159(A)/2017 corresponding to Attabira P.S. Case No.161/2017 in the court of learned N.G.N., Attabira. They were released on bail.

4. Perusal of the impugned order reveals that the accused persons did not appear for which by order dated 26th November, 2021, learned court below directed issuance of N.B.W. against them, which is impugned in the present application.

5. Learned counsel for the Petitioners submits that non-appearance of the Petitioners on the date fixed was not wilful or deliberate but because of the communication gap between them and the lawyer and that they are willing to appear before the trial court without fail in future.

6. Having regard to the submissions as above, the prayer is allowed. The impugned order in so far as it relates to issuance of NBW against the Petitioners is hereby quashed. Both the Petitioners are directed to surrender before the trial court within a period of two weeks and in such event, they shall be allowed to go on previous bail.

7. The CRLMC is disposed of.

8. 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 court'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, modified by Notice No.4798, dated 15th April, 2021 and Court's Office Order

circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(Sashikanta Mishra)
Judge

AKB

