

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 401 OF 2022

Ajay Kumar Mandal & Ors.

..... *Petitioners*
Mr. P.B. Sinha, Adv.

State of Odisha

-versus-

..... *Opposite Party*
Miss. S. Mishra, ASC

CORAM:
JUSTICE V. NARASINGH

ORDER
14.03.2022

I.A. No. 538 of 2022

Order No.

02.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. In view of discrepancy relating to description of the petitioners, the order dtd. 03.03.2022 is hereby recalled.
4. Order dtd. 14.03.2022 passed in separate sheet.
5. The I.A. is disposed of accordingly.
6. Urgent certified copy of this order be granted as per rule

Balaram

(V.Narasingh)
Judge

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**CORAM:
JUSTICE V. NARASINGH**

ORDER
14.03.2022

Order No.

03.

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. Priya Brata Sinha, learned counsel for the petitioners and Mr. K.K. Gaya, learned Additional Standing Counsel for the State.
3. Being aggrieved by the order dtd. 30.08.2019 passed by the learned J.M.F.C.(Rural), Cuttack in G.R. Case No. 199 of 2015 whereby on the prayer of the Investigating Officer (IO), NBW was issued against the petitioners cited as Accused Nos. 1 and 2. This CRLMC is preferred
4. From the record, it is seen that charge-sheet has already been submitted by order dtd. 17.09.2019 and cognizance has been taken showing all the accused persons including the present petitioners as absconders.
5. It is contended by learned counsel for the petitioners that there are no willful latches or negligence on the part of the petitioners nor cooperating with the investigation and the fact no

steps were taken by the Investigating Officer and mechanically they have been shown as absconder.

6. Be that as it may, this Court does not prima facie find any infirmity in the order of the learned Court below dtd. 30.08.2019 directing for issuance of NBW in respect of the petitioners. But in order to afford an opportunity to the petitioners to defend themselves effectively, the order dtd. 30.08.2009 directing issuance of NBW qua the petitioners is set aside.

7. Petitioners are directed to surrender within a period of four weeks hence and move for bail. Such application for bail shall be considered by the learned Court below on its own merits. For a period of four weeks hence, no coercive action shall be taken against the petitioners.

7. If the petitioner fails to surrender within the period prescribed as above, it shall be open to the prosecution to take effective steps in terms of the order dtd. 30.08.2019 of the learned Court below for execution the NBW.

8. The I.A. is disposed of accordingly.

9. Urgent certified copy of this order be granted as per rule.

Balaram

(V.Narasingh)
Judge