

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1388 of 2022

**Jagannath Birdalai @ Raj
Kumar Birdalai**

....

Petitioner

Mr. S.S. Ray-2, Advocate

-Versus -

State of Odisha

....

Opposite Party

Mr. G.R. Mohapatra,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

31.05.2022

**Order No.
01.**

1. Heard learned counsel for the petitioner and learned Addl. Standing Counsel for the State.
2. The petitioner is an accused in C.T. Case No.70 of 2016 of the Court of learned Addl. Sessions Judge-cum- Spl. Judge, Gunupur. The petitioner was released on bail.
3. Perusal of the impugned order reveals that the petitioner did not appear on the date fixed for which by order dated 15.03.2022, learned Court below directed issuance of NBW against him, which is impugned in the present application.
4. Learned counsel for the petitioner submits that because of communication gap between the petitioner and the conducting lawyer he was unable to know about the posting of the case and hence could not appear, but he undertakes to appear before the Court regularly in future.
5. Having regard to the submissions made and the materials on record, I am inclined to allow the prayer. The impugned order in so

far as it relates to issuance of NBW against the petitioner – Jagannath Birdalai @ Raj Kumar Birdalai is hereby quashed. The petitioner is granted liberty to surrender before the trial court within a period of three weeks and move for bail and in such event, he shall be allowed to go on previous bail.

6. The CRLMC is disposed of.
7. Issue urgent certified copy as per rules.

(Sashikanta Mishra, J)
Vacation Judge

A.K. Rana

