

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1397 of 2022

Sagar Kumar Mallick

...

Petitioner

Mr. Pulakesh Mohanty, Advocate

- Versus -

State of Odisha

...

Opposite Party

Mr. A. Pradhan,

Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

31.05.2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. Defect as pointed out by S.R. has been removed as pointed out by learned counsel for the petitioner.
3. Heard learned counsel for the petitioner and learned Addl. Standing Counsel.
4. The petitioner is aggrieved by order dated 22.04.2022 passed by learned J.M.F.C., Narasinghpur in C.T. Case No. 300 of 2021 in directing issuance of NBW against him.
5. A perusal of the impugned order reveals that the accused was absent and no steps were taken on his behalf on that date, for which learned Court below passed the aforesaid order.
6. It is submitted by learned counsel for the petitioner that by order dated 17.11.2021 passed in ABLAPL No. 1386 of 2021, this Court had granted interim bail to the petitioner, which was continued vide order dated 22.12.2021 with the stipulation that the same shall remain in force till the next date. It is stated at the bar that the case has not yet been listed and therefore, the interim order passed by this Court is still in force.

7. As it appears, the above fact was not properly placed before the Court below as is evident from observation that the accused was absent and no steps were taken on his behalf on the date fixed. Be that as it may, having regard to the fact that the petitioner has already been granted interim protection by this Court as indicated hereinbefore, the CRLMC is disposed of by quashing the order dated 22.04.2022 in so far as it relates to issuance of NBW against the petitioner. It is further directed that the petitioner shall appear before the Court below on 27th June, 2022 and produce a certified copy of the order granting him interim bail passed by this Court and in such event the Court below shall pass appropriate orders in consonance with the said order.

8. CRLMC is disposed of accordingly.

9. Issue urgent certified copy as per rules.

(Sashikanta Mishra, J)
Vacation Judge

A.K. Rana

