

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1452 of 2022

Kunal Pattnaik @ Kunal Pattanaik @ Petitioner
Kunal Patnaik
Mr. R.N.Rout, Advocate

-Versus-

State of Odisha Opposite Party
Mr.Tapas Kumar Praharaj,SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
26.08.2022

Order No.

01. 1. Heard learned counsel for the petitioner and learned counsel for the State.
2. The present challenge is as to the issuance of NBWA by an order dated 16th February, 2017 passed in G.R. Case No. 740 of 2004 arising out of Jeypore Sadar P.S. Case No. 167 of 2004 by the learned J.M.F.C., Jeypore on the grounds stated therein.
3. Perused the impugned order which is at Annexure-1.
4. Learned counsel for the petitioner submits that the petitioner was on previous bail by order dated 7th November, 2004 by the learned SDJM, Jeypore, however, in 2017 he failed to turn up and that apart, no step was taken on his behalf by the engaged counsel as a result of which NBWA was issued against him fixing his production on 31st March, 2008. It is further submitted that the default of the

petitioner was unintentional and no deliberate and therefore, the order should be recalled.

5. Learned counsel for the State justifies the order dated 16th February, 2017 that the petitioner was absent on call and hence, the learned court below has rightly passed the order directing issuance of NBWA.

6. Having gone through the impugned order of issuing NBWA, the Court does not find any error or legal infirmity therein, as the learned court below correctly passed the order. However, having regard to the fact that he was on bail, the petitioner should be directed to surrender and released on bail subject to conditions imposed by the court below.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands dismissed. However, regard being had to the facts and circumstances of the case, the petitioner is directed to surrender before the learned J.M.F.C., Jeypore G.R. Case No. 740 of 2004 arising out of Jeypore Sadar P.S. Case No. 167 of 2004 and in the event of his surrender, the court shall release him on bail with conditions.

9. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge