

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1630 of 2022

Tulu @ Natabar Sethi

....

Petitioner

Mr. Deepak Kumar Das, Advocate

-Versus-

The State of Odisha

....

Opposite Party

Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
24.09.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner praying for quashing of the order of NBWA dated 10th December, 2021 passed by the learned Additional Sessions Judge, Salipur in G.R. Case No.365(A) of 1990 on the grounds stated therein.
 3. Perused the copy of the FIR as at Annexure-1 and copy of the impugned order which is at Annexure-2 series.
 4. As it reveals from the order sheet of the learned court below, the petitioner was absent on call on 9th July, 2002 and accordingly, NBWA was issued against him and also initiated the process under Sections 82 & 83 Cr.P.C. which is still not executed. However on 10th December, 2021, a fresh NBWA was issued against the petitioner and considering the fact that he was on previous bail

and in view of the above, it is prayed that the petitioner should be directed to surrender and allowed to go on bail with conditions.

5. The Court perused the order dated 10th December, 2021 but does not find any illegality being committed by the learned court below. In fact, the petitioner failed to turn up and on account of his default learned court below rightly issued the NBWA against him. However, at this juncture, the Court is of the view that in the facts and circumstances of the case, the petitioner should be directed to surrender before the court below and released on bail with conditions which instead would serve the purpose.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned Additional Sessions Judge, Salipur on or before 12th October, 2022 in G.R. Case No.365(A) of 1990 and in the event of his surrender, the court below shall release him on bail subject to conditions.

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

(R.K. Pattanaik)
Judge