

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1705 of 2022

Manorama Sahu & Another

....

Petitioners

Mr.Bikram Keshari Bal, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr.P.K.Rout, AGA

CORAM:

MR. JUSTICE R.K. PATTANAIK

ORDER

26.09.2022

Order No.

01.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the order of issuance NBWA dated 27th April, 2022 by the court of learned Assistant Sessions Judge, Salipur in S.T. Case No. 256 of 2015 on the grounds stated therein.
3. Perused the impugned order, a copy of which is at Annexure-3.
4. Mr. Bal, learned counsel for the petitioner submits that the petitioners could not turn up on the date fixed by order dated 27th April, 2022 for then, the engaged counsel filed an application under Section 317 Cr.P.C. which was not entertained and rejected by the court below and thereafter, on the same day, NBWA was issued fixing the case to 27th June, 2022 for their production which should be recalled in the interest of justice.

5. Mr. Rout, learned AGA on the other hand objects to contention and justifies the impugned order dated 27th April, 2022 under Annexure-3 on the ground that the petitioners did not appear despite rejection of an application under Section 317. Cr.P.C. and therefore, such issuance of NBWA calls for no interference.

6. Considering the submissions of the learned counsel for the parties and having regard to the fact that at the stage of recording of statement of the petitioner under Section 313 Cr.P.C. the NBWA was issued and admittedly, when they did not turn up for the said purpose, the learned court below issued NBWA against her and therefore, the impugned order under Annexure-3 does not suffer from any legal infirmity. However, at this juncture, in the facts and circumstances of the case, the Court is of the view that the petitioners should be directed to surrender before the court below and released on bail with conditions.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands disposed of with a direction to the petitioners to surrender before the learned court of Assistant Sessions Judge, Salipur on or before 17th October, 2022 in connection with in S.T. Case No. 256 of 2015 and in the event she surrenders, the court below shall release them on bail with conditions and ensure expeditious disposal of the case.

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

(R.K. Pattanaik)
Judge