

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1737 of 2022

Kuma Jena

....

Petitioner

Mr. Debasis Mishra, Advocate

-Versus-

State of Odisha

....

Opposite Parties

Mr. Tapas Kumar Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
22.08.2022

Order No.

01.

1. Heard learned counsel for the parties.
2. Instant petition under Section 482 Cr.P.C. is filed for quashing of the impugned order dated 6th April, 2019 on the grounds stated therein.
3. Learned counsel for the petitioner submits that the learned court below issued NBWA against the petitioner by the impugned order when she was found absent but a separate petition Section 317 Cr.P.C. had been filed on the date fixed which however could not be moved. It is further submitted that under the above circumstances and since the petitioner was on bail by order dated 3rd July, 2018 of court below, the impugned order should be recalled which is objected to by the learned counsel for the State.

4. However, the Court does not find any infirmity in the impugned order dated 6th April, 2019 since on the said date, the petitioner was absent on call and the defence counsel though filed a petition Section 317 Cr.P.C. but was absent to press it, as a result of which, the NBW was issued fixing the case to 15th May, 2019 for production of the petitioner.

5. But having regarding to the fact that the petitioner was on bail, the Court is of the view that she should be directed to surrender before the learned court below on a specified date and allowed to go on bail which would serve the purpose in the present facts and circumstances of the case.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands dismissed. However, the petitioner is directed to surrender before the learned court below in connection with the case on or before on 5th September, 2022 and in the event of her surrender, she shall be released on bail subject to conditions with an undertaking submitted to the effect that she shall not default in future till the conclusion of trial.

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

(R.K. Pattanaik)
Judge