

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1748 of 2022

Bharat Nial

....

Petitioner

Mr.Umakanta Barik, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Manoranjan Mishra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

25.08.2022

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. has been filed by the petitioner praying for quashing of the NBWA issued by the court below in C.T. Case No.243/88 of 2016 (POCSO) arising out Koksara P.S. Case No.134 of 2016 pending in the file of Addl. Sessions Judge-cum-Special Court under POCSO Act, Bhawanipatna, on the grounds stated therein.
3. Perused the FIR, which is at Annexure-1.
4. Learned counsel for the petitioner submits that he was regularly attending the court below through his Advocate but on 7th January, 2020, he could not appear due to Covid-19 pandemic situation, as a result of which, the impugned order was passed directing issuance of NBWA against him which is pending execution.

It is submitted that the default was unintentional and therefore, the same should be recalled.

5. Admittedly the petitioner was on bail prior to the impugned order dated 7th January, 2020. Considering the submission of learned counsel for the petitioner and the fact that it was a single default, the Court is of the view that impugned order dated 7th January, 2020 though justified, petitioner should be directed to surrender before the court below and released on bail.

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 below on or before 12th September, 2022 in connection with in C.T. Case No.243/88 of 2016 (POCSO) arising out of Koksara P.S. Case No.134 of 2016 pending in the file of Addl. Sessions Judge-cum-Special Court under POCSO Act, Bhawanipatna and in the event of his surrender, the court shall release him on bail with conditions as deemed fit and proper in the facts and circumstances of the case.

(R.K. Pattanaik)
Judge