

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1806 of 2022

***Ramesh Chandra Parida and
another*** ***Petitioners***

-versus-

State of Odisha and another ***Opposite Parties***

CORAM: JUSTICE S. PUJAHARI

ORDER

22.07.2022

**Order
No.**

01. 1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to quash the order dated 17th February, 2022 passed by the learned J.M.F.C., Chandikhole in 1.C.C. No.78 of 2020 wherein N.B.W.(A) has been issued against them.
3. Heard the learned counsel for the Petitioners and the learned counsel for the State-Opposite Party No.1.
4. As it appears, in the complaint case, the trial court after taking note of the materials available on record has taken cognizance and issued summon for appearance of the Petitioners, but when the case was posted on 17th February, 2022, they did not appear before the court below and no step was taken on their behalf on the date fixed, as such, N.B.W.(A) has been issued against them vide the impugned order to secure their attendance.

5. Considering the aforesaid facts and submissions made, especially the circumstances in which the N.B.W.(A) was issued, this Court finds no reason to interfere with the impugned order.

6. However, since the matter arises out of compliant case and the offences are trivial in nature and moreso when offence alleged is punishable seven years of imprisonment on conviction, this Court hope and trust that if the Petitioners surrender before the Court in seisin over the matter within four weeks hence and move for bail, the Court in seisin over the matter would consider their prayer for bail in view of the law laid down by the Apex Court in the case of ***Satender Kumar Antil v. Central Bureau of Investigation & Anr., reported in 2021 (II) OLR (SC) – 981.***

7. Till the aforesaid date, i.e., either the date of surrender before the trial Court or on expiry of four weeks, whichever is earlier, the Petitioners shall not be arrested pursuant to the N.B.W.(A) issued.

8. With the aforesaid order, this CRLMC stands disposed of.

9. Urgent certified copy of this order be granted on proper application.

(S. Pujahari)
Judge

DA