

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1890 of 2022

Chandan Dehury

Petitioner

Mr. S.K. Baral, Advocate

-Versus-

State of Odisha

.... Opposite Parties

Mr. S.S. Mohapatra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

25.08.2022

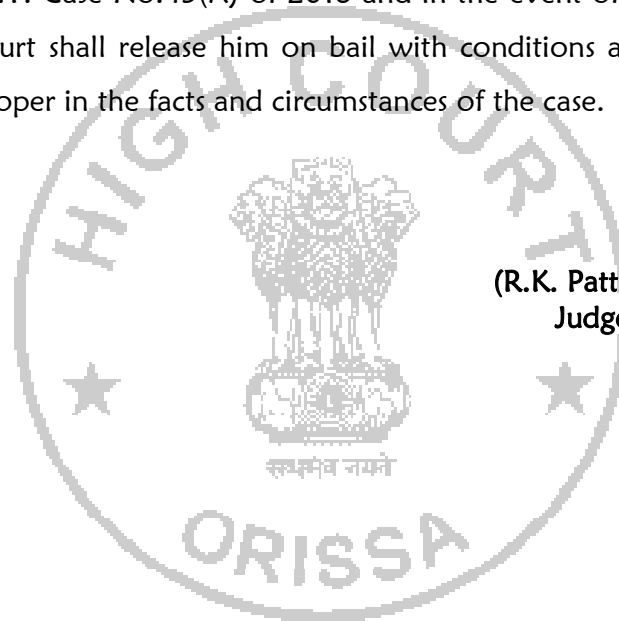
Order
No.

01. 1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Present petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the order of issuance of NBW dated 21st November, 2017 passed in C.T. Case No.43 of 2016 by the learned J.M.F.C., Narasinghpur on the grounds stated therein.
3. Perused the impugned order under Annexure-1.
4. Learned counsel for the petitioner submits that the petitioner was on bail from 2017 and in the same year, for his default after commitment of the case, NBW was issued by order dated 21st November, 2017 and the default was unintentional and therefore, the order may be recalled which is objected to by the learned counsel for the State.
5. The Court does not find any wrong or error in the impugned order i.e. Annexure-1 since on account of default of the

petitioner, NBW was issued which therefore does not require to be recalled. However, having regard to the fact that the petitioner was on bail, he should be directed to surrender before the court below and released on bail with conditions.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands allowed with a direction to the petitioner to surrender on or before 15th September, 2022 before the court of learned J.M.F.C., Narasinghpur in connection with C.T. Case No.43(A) of 2016 and in the event of his surrender, the Court shall release him on bail with conditions as deemed just and proper in the facts and circumstances of the case.



(R.K. Pattanaik)
Judge