

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1940 of 2022

Smt. Madhusmita Barik and others *Petitioners*
-versus-
State of Odisha and another *Opposite Parties*

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
29.07.2022

01. 1. This matter is taken up through hybrid mode.
2. Mr. Sitakanta Hota, learned counsel enters appearance on behalf of the Opposite Party No.2-Complainant.
3. This application under Section 482 of Cr.P.C. has been filed by the Petitioners with a prayer to quash the order dated 6th June, 2022 passed by the learned J.M.F.C., Basudevpur in 1.C.C. No.124 of 2021 wherein N.B.W.(A) has been issued against them.
4. Heard learned counsel appearing for the Petitioners and Mr. Sitakanta Hota, learned counsel appearing for the State-Opposite Party No.2.
5. 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 6th June, 2022, they did not appear before the court below, but a time petition has filed on their behalf. The trial court

having no alternative has rejected such prayer and issued N.B.W.(A) against the present Petitioners to procure their attendance.

6. 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.

7. However, since the matter arises out of complaint 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 cases of *Satender Kumar Antil v. Central Bureau of Investigation & Anr., reported in 2021 (II) OLR (SC) – 981 and Satender Kumar Antil v. Central Bureau of Investigation & Anr. (Miscellaneous Application No.1849 of 2021 in Special Leave Petition (Crl.) No.5191 of 2021 decided on 11th July, 2022).*

8. 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.

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

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

(S. Pujahari)
Judge