

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1961 of 2022

Subash Nayak

....

Petitioner

Mr. S. Harichandan, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. T.K. Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

08.09.2022

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. is filed by the petitioner for quashing of the issuance of NBW dated 8th September, 2017 directed by the learned J.M.F.C.(P), Kujanga on the grounds stated therein.

3. Perused the impugned order dated 8th September, 2017 i.e. Annexure-1.

4. Learned counsel for the petitioner submits that the petitioner was on bail from 2017 and the default was unintentional and therefore considering the same, the impugned order i.e. Annexure-1 should be recalled. But the Court does not find any error or illegality being committed by the learned court below in issuing NBW against the petitioner vide Annexure-1 and hence, it calls for no interference. However, having regard to the fact that petitioner was on bail and recording the submission that almost after 10 years since 2017 warrant was issued, the Court is of the

view that the petitioner should be directed to surrender and go on bail with conditions.

5. Accordingly, it is ordered.

6. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender on or before 27th September, 2022 before the learned J.M.F.C.(P), Kujanga in G.R. Case No.164 of 2007 arising out of Paradeep P.S. Case No.81 of 2007 and in the event of his surrender, court shall release him on bail with conditions as deemed just and proper in the facts and circumstances of the case.

Tudu



(R.K. Pattanaik)
Judge