

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1974 of 2022

Sishira Khamari @ Shishira Kumar
Khamari

....

Petitioner

Mr. S.N.Mishra, Advocate

-Versus-

State of Odisha

....

Opposite Party
Mr.P.K.Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
05.09.2022

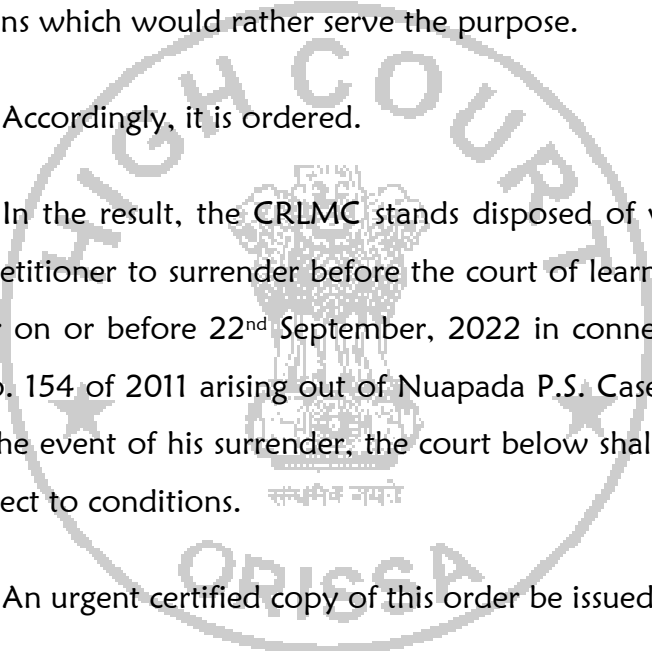
Order No.

- 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 assailing the order of issuance of NBW dated 13th April, 2018 passed by the learned SDJM, Nuapada in G.R. Case No. 154 of 2011 arising out of Nuapada P.S. Case No.42 of 2011 on the grounds stated therein.
 3. Perused the F.I.R. and impugned order which is at Annexure-3 and also the copy of the charge sheet which is at Annexure-2.
 4. Learned counsel for the petitioner submits that the petitioner was on bail but subsequently, NBWA has been issued against him in 2018 and since the case was transferred from one court to another during the relevant time, he defaulted in appearance but such default was unintentional. It is further submitted that the petitioner could not know about the date fixed by the learned court below, as a result of

which, the impugned order was passed and considering the fact that he was on previous bail, the petitioner should be directed to surrender and allowed to go on bail with conditions.

5. The Court perused the order dated 13th April.2018 and does not find any illegality committed by the learned court below. In fact, the petitioner failed to turn up and on account of his default, the learned court below rightly issued the NBWA against him. However, at this juncture, the Court is of the view that the petitioner should be directed to surrender before the court below and released on bail with conditions which would rather serve the purpose.

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 of learned J.M.F.C. (1), Bolangir on or before 22nd September, 2022 in connection with G.R. Case No. 154 of 2011 arising out of Nuapada P.S. Case No.42 of 2011 and in the event of his surrender, the court below shall release him on bail subject to conditions. 

8. An urgent certified copy of this order be issued as per rules

(R.K. Pattanaik)
Judge