

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2003 of 2022

Tihilu Sahu & Others

....

Petitioners

Mr. Samarendra Bahadur, Advocate

-Versus-

State of Odisha

....

Opposite Parties

Mr. T.K.Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
24.08.2022

Order No.

- 01.
1. Heard learned counsel for the petitioners and learned counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners challenging the order of issuance of NBWs against them by the learned District & Sessions Judge, Rairakhole in S.T. Case No. 228 of 2016 arising out of Charnal P.S. Case No. 77 of 2014 on the grounds stated therein.
 3. Perused the impugned order which is at Annexure-1.
 4. Learned counsel appearing for the informant files a Vakalatnama and the same be kept in record.
 5. At this juncture, learned counsel Mr. Pagal appearing for the informant submits to the Court that the petitioners are threatening him and further informs that in that regard, an F.I.R. has been lodged and seeks indulgence of this Court. But when, a report is stated to have

been lodged, the Court finds no reason to issue any direction in that regard as the law is to take its own course for reaching at its logical conclusion.

6. Learned counsel for the petitioners submits that the petitioners were on bail but subsequently, when the case was transferred to Rairakhole from the Court at Sambalpur and the conducting counsel who was appearing on their behalf died and since no steps could be taken in the court of Additional District Judge, Rairakhole, the NBWs were issued.

7. However, the court is not inclined to recall the NBWs since it does not find any legal infirmity in the impugned order under Annexure-1. However, the Court is of the view that since the petitioners were on bail, they should be directed to surrender before the court below and released on bail and that would serve the purpose.

8. Accordingly, it is ordered.

9. In the result, the CRLMC stands dismissed. However, the petitioners are directed to surrender before the court of learned District & Sessions Judge, Rairakhole in S.T. Case No. 228 of 2016 arising out of Charmal P.S. Case No. 77 of 2014 and in the event of their surrender, they shall be released on bail subject to conditions and filing to undertaking not to default in future and shall remain present in the court on the dates of posting of the case till its disposal.

(R.K. Pattanaik)
Judge