

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2049 of 2022

Tiki @ Jayanta Kumar Das

....

Petitioner

Mr. Brundaban Rout, Advocate

-Versus-

State of Odisha

....

Opposite Party

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. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the order of NBW passed by the learned J.M.F.C., Tirtol, in G.R. Case No. 488(A) of 2002 arising out of Tirtol P.S. Case No. 168 of 2002 on the grounds stated therein.
 3. Perused the F.I.R. (Annexure-1) and also a copy of the charge sheet which is at Annexure-3.
 4. Learned counsel for the petitioner submits that the incident is of the year 2002 and some of the accused persons have already been acquitted of the charges, whereas, the petitioner is to face the trial in a split up case. It is further submitted that the petitioner was on bail even after the case was split up but recently on 4th January, 2022 on

account of his default, the learned court below issued the NBW/A against him. It is contended that the default is not intentional.

5. Learned counsel for the State on the other hand submits that there is no any error in the impugned order passed by the learned court below.

6. Considering the impugned order and having heard the submissions of the learned counsel appearing for the parties the Court finds that there is no error or any infirmity in the issuance of NBW against the petitioner as he defaulted on the date fixed whereupon the direction was made. But considering the fact that the petitioner was on bail quite for a long period, the Court is inclined to direct him to surrender before the court below and go on bail which would rather serve the purpose for the present.

7. Accordingly, it is ordered.

8. 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., Tirtol in G.R. Case No. 488(A) of 2002 arising out of Tirtol P.S. Case No. 168 of 2002 and in the event of his surrender, the court below shall release him on bail subject to conditions.

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

(R.K. Pattanaik)
Judge

Kabita