

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2065 of 2022

Krushna Chandra Muduli

....

Petitioner

Mr. P.R.Singh, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr.S.S.Mohapatra, ASC

**CORAM:
MR. JUSTICE R.K. PATTANAİK**

**ORDER
02.09.2022**

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Present petition under Section 482 Cr.P.C. is filed for quashing of the NBW dated 23rd November, 2021 passed in C.T. (S) Case No. 20 of 2010 corresponding to Gondia P.S. Case No. 63 of 2009 by the learned Additional Sessions Judge, Dhenkanal on the grounds stated therein.
 3. Perused the impugned order dated 18th November, 2021.
 4. Learned counsel for the petitioner submits that the case was pending at the stage of argument but due to absence of the petitioner, the learned court below issued the NBWA. It is further submitted that in the facts and circumstances of the case, the NBW which was issued

should be recalled in the interest of justice, however, it is opposed to by the learned counsel for the State.

5. The Court perused the impugned order dated 23rd November, 2021. In fact, on the date fixed, no step was taken from the side of the petitioner and as he was absent on repeated call, NBWA was issued by the learned court below.

6. As rightly pointed out by the learned counsel for the State, the Court finds no error being committed by the learned court below since the petitioner was absent when the matter was called. However, having regard to the fact that the case to be pending at the stage of argument, the Court is of the view that the petitioner should be directed to surrender before the learned court below and go on bail so as to ensure its early disposal.

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 SDJM, Dhenkanal on or before 19th September, 2022 in connection with C.T.(S) Case No. 20 of 2010 arising out of Gondia P.S. Case No. 63 of 2009 and in the event of his surrender, the court 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