

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2119 of 2022

Pramod Behera

Petitioner

Mr. P.S, Nayak, Advocate

-Versus-

State of Odisha

.... Opposite Parties

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 challenges the impugned order dated 18th January, 2022 whereby the learned court below issued BW against the petitioner and fixed the case to 23rd February, 2022 for his production on the grounds stated therein.
3. Perused the FIR i.e. Annexure-1 and other connected documents.
4. Learned counsel for the petitioner submits that the petitioner has been granted bail by this Court in BLAPL No.15431 of 2014 but then recently in the month of January, he defaulted in appearance as a result of which the warrant was issued but then, such default was unintentional and therefore, the order should be recalled in the interest of justice which is objected to by the other side.

5. The Court does not find any reason to interfere with the impugned order i.e. Annexure-3, inasmuch as, the court below did not commit any error or wrong in issuing the NBW which was on account of the default of the petitioner. However, having regard to the fact that all the offences are triable by Magistrate First Class and the petitioner was on bail, the following is passed by the Court.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands allowed with a direction to the petitioner to surrender before the court of learned J.M.F.C., Chhendipada in connection with G.R. Case No.744 of 2014 arising out of Chhendipada P.S. Case No.97 of 2014 on or before 15th September, 2022 and in the event of his surrender, the Court shall release him on bail with conditions as deemed just and proper in the facts and circumstances of the case.

(R.K. Pattanaik)
Judge