

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2159 of 2022

Sudhir Samal @ Phuku

....
Petitioner
Mr. S. S. Dash, Advocate

-Versus-

State of Odisha

....
Opposite Party
Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

Order
No.
01.

ORDER
09.09.2022

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 issuance of NBW dated 12th March, 2019 directed by the learned Additional Sessions Judge, Jagatsinghpur in Special G.R. Case No.2 of 2017 on the grounds stated therein.
3. Perused the impugned order dated 12th March, 2019 i.e. Annexure-1.
4. Learned counsel for the petitioner submits that the petitioner was on bail from 01.05.2017 but on the date fixed, he could not appear and no step was either taken on his behalf by the engaged counsel, for which, the court below issued NBW against him fixing on 10.04.2019 for production and as the warrant is still pending execution and therefore, appropriate order may be passed.

5. The Court does not find any wrong or error being committed by the learned court below while issuing NBW on account of default of the petitioner but then having regard to the fact that he was on bail, the Court is of the view that in the facts and circumstances of the case, the petitioner should be allowed to surrender and go on bail with conditions.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned Additional Sessions Judge, Jagatsinghpur on or before 27th September, 2022 in connection with Special G.R. Case No.2 of 2017 and in the event of his surrender, court shall release him on bail with conditions as deemed just and proper in the facts and circumstances of the case.

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

(R.K. Pattanaik)
Judge