

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2174 of 2022

Prabhata Kumar Nayak

Petitioner

Mr. S.P. Dash, Advocate

-Versus-

State of Odisha

.... Opposite Party

Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
08.09.2022

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 assailing the impugned order under Annexure-1 whereby the learned court below issued NBW against the petitioner in connection with G.R. Case No.32 of 2004 pending in the file of learned J.M.F.C., Jagatsinghpur on the grounds stated therein.
3. Perused the impugned order dated 22nd October, 2016.
4. The learned counsel for the petitioner submits that the petitioner was on bail but only on a single date of default, the NBW was issued which is therefore to be recalled. But, the Court finds that on account of non-appearance of the petitioner on the date fixed, the warrant has been issued. Therefore, the Court does not find any error or illegality committed by the learned court below in issuing NBW as the petitioner had defaulted. However, for the fact that it is claimed to be a single default, the Court is of view that the petitioner should be directed to surrender and go on bail.

5. Accordingly, it is ordered.

6. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned J.M.F.C., Jagatsinghpur on or before 26th September, 2022 in G.R. Case No.32 of 2004 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.

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

TUDU



(R.K. Pattanaik)
Judge