

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2176 of 2022

Balaram Mahalik

.... **Petitioner**
Mr. R.N.Rout, 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. The challenge is as to the order of issuance of NBW/A vis-à-vis the petitioner in connection with Special Case No. 82 of 2019 relating to T.R. Case No. 50 of 2021 arising out of Simulia P.S. Case No. 62 of 2019 pending before the learned court of Adhoc Additional Sessions Judge(FTSC), Balasore on the grounds stated therein.
 3. Perused the impugned order i.e. Anneuxre-1.
 4. Learned counsel for the petitioner submits that due to the default of the petitioner, the learned court below passed the impugned order dated 23rd July, 2021 by issuing an NBW/A against him which is sought to be recalled in the present case which is objected

to by the learned counsel for the State on the ground that there is no error committed by the learned court below.

5. Having gone through the impugned order of issuing NBWA, the Court does not find any legal infirmity therein, inasmuch as, the learned court below rightly passed the order since the petitioner defaulted in appearance on the date fixed. However, having regard to the above facts and circumstances of the case, the petitioner should be directed to surrender and released on bail subject to conditions imposed by the court below.

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 court of Adhoc Additional Sessions Judge (FTSC), Balasore on or before 19th September, 2022 in connection with Special Case No. 82 of 2019 relating to T.R. Case No. 50 of 2021 arising out of Simulia P.S. Case No. 62 of 2019 and in the event of his surrender, the court shall release him on bail with conditions.

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

(R.K. Pattanaik)
Judge