

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2189 of 2022

Hayat Ali Khan and Others

....

Petitioners

Mr. H. Samal, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. P.K. Rout, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

15.09.2022

Order
No.

02.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the issuance of NBWAs dated 9th May, 2022 directed by the court of learned Sessions Judge, Cuttack on the grounds stated therein.
3. Perused the impugned order dated 9th May, 2022 as at Annexure-2.
4. Learned counsel for the petitioners submits that the petitioners were on bail but on the dates fixed, they could not appear and no step was either taken on their behalf by the engaged counsel, for which, the court below issued NBWAs against them fixing on 03.08.2022 for production and as the warrants are still pending execution, appropriate order may be passed.

5. The Court does not find any wrong or error being committed by the learned court below while issuing NBWAs on account of default of the petitioners but then having regard to the fact that they were on bail, the Court is of the view that at this juncture, in the facts and circumstances of the case, the petitioners 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 petitioners to surrender before the court of learned District & Sessions Judge, Cuttack on or before 30th September, 2022 in S.T. Case No.42 of 2020 and in the event of their surrender, the court shall release them on bail with conditions as deemed just and proper.

(R.K. Pattanaik)
Judge

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