

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2212 of 2022

Rama Sabar and others

Petitioners

Mr. S.K. Dash, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Tapas Kumar Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

05.09.2022

Order
No.

01. 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 assailing the impugned order dated 10th March, 2022 whereby the learned court below issued NBWs against them fixing it to 25th March, 2022 for their production on the grounds stated therein.
3. Perused the FIR i.e. Annexure-1.
4. The learned counsel for the petitioners submits that the petitioners were on previous bail but then recently the case was posted to 10th March, 2022, defaulted in appearance as a result of which the impugned order under Annexure-2 was passed. It is further submitted that two of the accused persons have died in the meantime and except the petitioners others are on bail and considering the above fact, the impugned order dated 10th March, 2022 should be recalled. However, the Court does not find any error or legal infirmity in the impugned order i.e. Annexure-2 since

because on the date fixed, the petitioners did not turn up nor any steps were taken from their side of by the engaged counsel and as a result, the NBWs were issued against them and therefore, it calls for no interference. But having regard to the fact that the petitioners were on previous bail and it was a single default and recording the submission of the learned counsel appearing for the petitioners that the absence was unintentional, the Court is of view that the they 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 petitioners to surrender on or before 26th September, 2022 before the learned Chief Judicial Magistrate, Paralakhemundi in G.R. Case No.345 of 2014 which corresponds to Paralakhemundi P.S. Case No.89 of 2014 and in the event of their surrender, Court shall release them on bail with conditions as deemed just and proper in the facts and circumstances of the case.

(R.K. Pattanaik)
Judge

TUDU