

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2214 of 2022

Swadhin Behera and others

....

Petitioners

Mr. R.L. Pattnaik, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. T.K. Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

12.09.2022

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 for quashing of the issuance of NBWAs dated 25th November, 2021 directed by the learned S.D.J.M., Phulbani on the grounds stated therein.
3. Perused the impugned order dated 25th November, 2021 i.e. Annexure-1.
4. Learned counsel for the petitioners submits that the petitioners were on bail but on the date 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 the case to 14.03.2022 for production and considering the

same, appropriate order may be passed. A formal objection is submitted from the side of the State.

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, it is of the view that 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 learned S.D.J.M., Phulbani on or before 27th September, 2022 in C.T. Case No.28 of 2017 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