

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2216 of 2022

M. Lata and others

....

Petitioners

Mr. Ramesh Chandra Behera, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Manoranjan Mishra, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

24.08.2022

Order No.

01. 1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Present petition is at the behest of the petitioners assailing the impugned order under Annexure-3 series, whereby, the learned C.J.M., Phulbani in G.R. Case No.186 of 2013 arising out of Phulbani Town P.S. Case No.63 of 2013 passed the order dated 20th July, 2022 issuing NBW/A against them and fixing the case to 20th November, 2022 for their production.
3. Perused the FIR as at Annexure-1 and copies of orders under Annexure-3 series.
4. Learned counsel for the petitioners submits that petitioners are in no way involved in the alleged incident but the FIR was lodged against them in Phulbani Town P.S. Case No.63 of 2013 for commission of offences under Sections 420/120(B)/294/506 of I.P.C. and Sections 4, 5 & 6 of Prize Chits, Money Circulation Scheme (Banning) Act, 1978. However, the present challenge is confined to the issuance of NBW/A and in that regard, learned

counsel for the petitioners submits that although petitioners were represented by counsel but at the time of framing of charge, they failed to turn up and defaulted, for which, the impugned order was passed, which is required to be recalled.

5. On perusal of the impugned order, the Court does not find any error or illegality committed by the learned court below as the order issuing NBW(A) against the petitioners was directed due to their default and hence rightly passed the said order and therefore, it calls for no interference.

6. Accordingly, it is ordered.

7. Consequently, the CRLMC stands dismissed. However, petitioners are directed to surrender before the C.J.M., Phulbani in G.R. Case No.186 of 2013 arising out of Phulbani Town P.S. Case No.63 of 2013 and in such an event, they shall be released on bail with conditions.

(R.K. Pattanaik)
Judge

U.K.Sahoo