

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2341 of 2022

A, Bimal Rao @ Rabi @ Mickle @ A.
Daneal

Petitioner

Mr. A. Das, Advocate

-Versus-

State of Odisha

.... Opposite Party

Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
21.09.2022

Order
No.
01.

1 Heard learned counsel for the petitioner and learned counsel for the State.

2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the issuance of NBWA dated 23rd September, 2021 directed by the court of learned Sessions Judge, Ganjam, Berhampur in S.T. Case No.12 of 2020 on the grounds stated therein.

3. Perused the impugned order dated 23rd September, 2021 i.e. Annexure-1 series.

4. Learned counsel for the petitioner submits that the petitioner was on bail but on the date fixed, he could not appear and no step was either taken on his behalf by the engaged counsel, for which, the court below issued NBWA against him fixing on 02.11.2021 for production and as the warrant is still pending execution and therefore, appropriate order may be passed.

5. The Court does not find any wrong or error being committed by the learned court below while issuing NBWA on account of default of the petitioner but then having regard to the fact that he was on bail, the Court is of the view that in the facts and circumstances of the case, the petitioner 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 petitioner to surrender before the learned Sessions Judge, Ganjam, Berhampur on or before 30th September, 2022 in connection with S.T. Case No.12 of 2020 and in the event of his surrender, court shall release him on bail with conditions as deemed just and proper in the facts and circumstances of the case.

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

(R.K. Pattanaik)
Judge