

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2343 of 2022

Kanha @ Hrudananda Patri

Petitioner

Mr. M.B. Das, Advocate

-Versus-

State of Odisha

.... Opposite Party

Mr. P.K. Rout, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
15.09.2022

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 assailing the impugned order under Annexure-3 whereby the learned court below issued NBWA against the petitioner in connection with S.T. Case No.35 of 2018 pending in the file of learned Additional Sessions Judge, Athagarh on the grounds stated therein.
 3. Perused the impugned order dated 24th February, 2020.
 4. The learned counsel for the petitioner submits that the petitioner was on bail but only on a single date of default, the NBWA was issued which is therefore to be recalled. But, the Court finds that on account of non-appearance of the petitioner on the date fixed, the warrant has been issued. Therefore, the Court does not find any error or illegality being committed by the learned court

below in issuing NBWA as the petitioner had defaulted. But since it is claimed to be a single default, the Court is of view that the petitioner 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 petitioner to surrender before the learned Additional Sessions Judge, Athagarh on or before 30th September, 2022 in S.T. Case No.35 of 2018 and in the event of his surrender, the court shall release him on bail with conditions as deemed just and proper in the facts and circumstances of the case.

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

(R.K. Pattanaik)
Judge

TUDU

