

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2361 of 2022

Dandapani Biswal

....  
Mr. Napoleon Sahani, Advocate

**Petitioner**

-Versus-

State of Odisha

....  
Mr. S.S. Mohapatra, ASC

**Opposite Party**

**CORAM:**  
**MR. JUSTICE R.K. PATTANAİK**

**ORDER**  
**20.09.2022**

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
  2. The limited prayer in the present petition is that on the date fixed i.e. 5<sup>th</sup> August, 2022, the petitioner moved an application under Section 317 Cr.P.C. and subsequently petitioner filed a petition under Section 227 Cr.P.C. seeking discharge but then the representation was rejected and order of NBWA was issued fixing the case for his production on 19<sup>th</sup> August, 2022. It is submitted that the court below should not have issued NBWA without considering the representation u/s.317 Cr.P.C. that too an application for discharge under Section 227 Cr.P.C.
  3. Considering the above facts, the petitioner should be directed to surrender and go on bail and also move the application under Section 227 Cr.P.C. for discharge which would serve the purpose for the present.
  4. Consequently, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned 5<sup>th</sup> Additional Sessions Judge, Bhubaneswar on or before 30<sup>th</sup>

September, 2022 in T.R. Case No.31 of 2008 and in the event of his surrender, the court below shall release him on bail subject to conditions.

5. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)  
Judge

U.K.Sahoo

