

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2426 of 2022

Madan Sisa

.... Petitioner
Mr. J.K. Khuntia, Advocate

-Versus-

State of Orissa

.... Opposite Party
Mr.S.S.Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
16.09.2022

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. has been filed by the petitioner challenging the order of NBW dated 1st November, 2011 passed by the learned Assistant Sessions Judge-cum-Civil Judge (Senior Division), Koraput in C.T. Case No.22 of 2018 on the grounds stated therein.
 3. Perused the copy of impugned order dated 1st November, 2011 as at Annexure-1.
 4. Learned counsel for the petitioner submits that an application under Section 317 Cr.P.C. was moved before the court below but then it was not entertained. It is further submitted that the petitioner was on court bail but subsequently, NBW has been issued against him on 1st November, 2011 since he defaulted in appearance. It is submitted that the petitioner could not know

about the date fixed by the learned court below nor his Advocate had taken any step, as a result of which, the impugned order was passed and considering the fact that he was on previous bail, the petitioner should be directed to surrender and allowed to go on bail with conditions.

5. The Court perused the order dated 1st November, 2011 but does not find any illegality being committed by the learned court below. In fact, the petitioner failed to turn up and on account of his default and since the defense counsel did not take any step on his behalf, the learned court below rightly issued the NBW against him. However, at this juncture, the Court is of the view that in the facts and circumstances of the case, the petitioner should be directed to surrender before the court below and released on bail with conditions which instead would serve the purpose.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned Assistant Sessions Judge-cum-Civil Judge (Senior Division), Koraput on or before 30th September, 2022 in C.T. Case No.22 of 2018 and in the event of his surrender, the court below shall release him on bail subject to conditions.

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

(R.K. Pattanaik)
Judge