

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2482 of 2022

Rashmi Manjari Rout @ Parida and Petitioners
others

Mr. Akshaya Kumar Pandey, Advocate

-Versus-

State of Orissa Opposite Party
Mr.S.S.Mohapatra, ASC, OP No.1
None for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
16.09.2022

Order No.

- 01.
1. Heard learned counsel for the petitioners and learned counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners assailing the order of NBWAs dated 24th August, 2022 passed by the learned J.M.F.C., Salipur, Cuttack in I.C.C. Case No.104 of 2018 on the grounds stated therein.
 3. Perused the copy of the order dated 24th August, 2022 as at Annexure-2.
 4. Learned counsel for the petitioners submits that the impugned order has been passed whereby learned court below rejected the application of the petitioners seeking adjournment of the matter and consequently issued the order of NBWAs against the them fixing the case to 4th September, 2022 for production. It is contended that since petitioners are belonging to flood affected

area, application was moved for adjournment of the matter but the same was not entertained and ultimately the order of NBWAs was issued against them, which is not proper and justified but then, learned State Counsel objected to such contention of the petitioner and supports the order of the learned court below.

5. The Court perused the order dated 24th August, 2022 but does not find any illegality being committed by the learned court below. However, at this juncture, the Court is of the view that in the facts and circumstances of the case, the petitioners 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 petitioners to surrender before the learned J.M.F.C., Salipur, Cuttack on or before 30th September, 2022 in I.C.C. Case No.104 of 2018 and in the event of their surrender, the court below shall release them on bail subject to conditions.

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

(R.K. Pattanaik)
Judge