

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2542 of 2022

Pabitra Kumar Das

....

Petitioner

Mr. Subas Chandra Das, Advocate

-Versus-

State of Orissa and another

....

Opposite Parties

Mr. Priyabrata Tripathy, ASC, OP No.1

None for OP No.2

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

26.09.2022

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 challenging the order of NBWA dated 21st April, 2022 passed by the learned J.M.F.C., Kujang in ICC Case No.194 of 2015 on the grounds stated therein.
3. Perused the copy of the complaint in ICC No.194 of 2015 at Annexure-1 and certified copy of the order dated 21st April, 2022 as at Annexure-2.
4. Learned counsel for the petitioner submits that the petitioner was earlier on bail but subsequently, B.W. was issued on 17th December, 2021 and thereafter, NBW has been issued against him on 21st April, 2022 since he defaulted in appearance. It is further 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 21st April, 2022 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 NBWA against him. It is submitted that the petitioner was issued with summons and finally NBWA in a proceeding under Section 138 of N.I. Act. 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 J.M.F.C., Kujanga on or before 20th October, 2022 in ICC Case No.194 of 2015 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