

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2581 of 2022

Jitu @ Jitendra Kumar Mohanty

....
Mr. S. Dwibedi, Advocate

Petitioner

-Versus-

State of Odisha

.... **Opposite Party**

Mr. Tapas Kumar Praharaj, SC

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. is filed by the petitioner for quashing of the issuance of NBWA dated 29th April, 2022 directed by the court of learned S.D.J.M., Phulbani on the grounds stated therein.
3. Perused the impugned order dated 29th April, 2022 i.e. Annexure-1.
4. Learned counsel for the petitioner submits that the petitioner was on bail but on the date fixed, he could not appear and no step was either taken on his behalf by the engaged counsel, for which, the court below issued NBWA against him fixing the case to 24.07.2019 for production and considering the same, appropriate order may be passed.

5. The Court does not find any wrong or error being committed by the learned court below while issuing NBWA on account of default of the petitioner but then having regard to the fact that he was on bail, it is of the view that in the facts and circumstances of the case, the petitioner should be allowed to surrender and go on bail with conditions.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the learned S.D.J.M., Phulbani on or before 30th September, 2022 in G.R. Case No.36 of 2012 arising out of Phulbani Sadar P.S. Case No.8 of 2012 and in the event of his surrender, the court shall release him on bail with conditions as deemed just and proper.

(R.K. Pattanaik)
Judge

Tudu