

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2650 of 2022

Maharaj Swain and Others

.... Petitioners
Mr. B.K. Sahoo, Advocate

-Versus-

State of Odisha

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

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
24.09.2022

Order
No.

01.

1. Heard learned counsel for the petitioners and learned Additional Standing Counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the issuance of NBWAs dated 20th July, 2022 directed by the court learned 3rd Additional Sessions Judge, Cuttack on the grounds stated therein.
3. Perused the impugned order dated 20th July, 2022 as at Annexure-3.
4. Learned counsel for the petitioners submits that the petitioners were on bail but on the date fixed, they could not appear and no step was either taken on their behalf by the engaged counsel, for which, the court below issued NBWAs against them fixing the case to 12.09.2022 for their production and considering

the same, appropriate order may be passed. It is further submitted that petitioner No.2 has died in the meantime.

5. Though the Court does not find any wrong or error being committed by the learned court below while issuing NBWAs on account of default of the petitioners but then having regard to the fact that they were on bail, it is of the view that in the facts and circumstances of the case, the petitioners 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 Nos. 1 and 3 to surrender before the learned 3rd Additional Sessions Judge, Cuttack on or before 14th October, 2022 in S.T. Case No.176 of 2016 and in the event of their surrender, the court shall release them on bail with conditions as deemed just and proper.

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

(R.K. Pattanaik)
Judge