

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2743 of 2022

Basudev Pradhan and Another

....

Petitioners

Mr. L. Mahapatra, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. T.K. Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

17.11.2022

Order
No.

01.

1. Heard learned counsel for the petitioners and learned Standing Counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the issuance of NBWAs dated 5th August, 2022 directed by the court of learned 2nd Additional Sessions Judge, Bhubaneswar on the grounds stated therein.
3. Perused the impugned order dated 5th August, 2022 as at Annexure-1.
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 03.09.2022 for their production and considering the same, appropriate order may be passed.

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 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 petitioners to surrender before the learned 2nd Additional Sessions Judge, Bhubaneswar on or before 2nd December, 2022 in T.R. Case No.22/69 of 2003 arising out of Bhubaneswar Mahila P.S. Case No.10 of 2002 and in the event of their surrender, the court shall release them on bail with conditions as deem just and proper.

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

(R.K. Pattanaik)
Judge