

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2779 of 2022

Sujit Kumar Sethi

.... **Petitioner**
Mr. A.K.Sahoo, Advocate

-Versus-

State of Odisha

.... **Opposite Party**
Mr.Rajesh Kumar Tripathy,SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
01.11.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. The present challenge is as to the issuance of NBWA by an order dated 16th April, 2022 passed in T.R. Case No. 36 of 2021 arising out of Nuagaon P.S. Case No. 05 of 2021 by the learned Additional Sessions Judge-cum-Judge under POCSO Act, Nayagarh on the grounds stated therein.
 3. Perused the copy of the F.I.R. which is at Annexure-1 also the impugned order is at Annexure-2.
 4. Instead of pressing the matter on merit, the learned counsel for the petitioner submits that the petitioner was on bail from 2021 but subsequently, NBWA was issued against him on 16th April, 2022 fixing his production on 5th May, 2022. It is further submitted that the

default of the petitioner was unintentional and not deliberate and therefore, the order should be recalled. It is further submitted that the petitioner could not know about the date fixed by the learned court below, as a result of which, the impugned order was passed and considering the fact that he was on bail, he should be directed to surrender and allowed to go on bail with conditions.

5. Having gone through the impugned order of issuing NBWA, the Court does not find any error or legal infirmity therein, as the learned court below correctly passed the order. However, having regard to the fact that he was on bail, the Court is of opinion that the petitioner should be directed to surrender and allowed to go on bail subject to conditions imposed by the court below.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands dismissed. Regard being had to the facts and circumstances of the case, the petitioner is directed to surrender before the learned court of Additional Sessions Judge-cum-Judge under POCSO Act, Nayagarh on or before 18th November, 2022 in T.R. Case No. 36 of 2021 arising out of Nuagaon P.S. Case No. 05 of 2021 and in the event of his surrender, the court shall release him on bail with conditions and till then, there shall be no coercive action taken against him.

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

(R.K. Pattanaik)
Judge