

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2792 of 2022

Litua @ Prakash Malik

.... Petitioner
Mr. J. Mohanty, Advocate

-Versus-

State of Odisha

.... Opposite Party
Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
30.09.2022

Order
No.
01.

1. Heard learned counsel for the petitioner 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 NBWA dated 26th June, 2019 directed by the court of learned A.D.J.-Cum-(FTSC), Jajpur on the grounds stated therein.
3. Perused the impugned order dated 26th June, 2019 as at 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 as 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 31.07.2019 for his 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 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 A.D.J.-Cum-(FTSC), Jajpur on or before 21st October, 2022 in Special G.R. Case No.907 of 2014 corresponding to Jenapur P.S. Case No.169 of 2014 and in the event of his surrender, the court shall release him on bail with conditions as deemed just and proper.

8. It is further submitted by the learned counsel for the petitioner that till the date of surrender, the petitioner should be provided interim protection as any time the non-bailable warrant arrested which has been issued by the court concerned may be executed by the local PS.

9. Considering such submission, this Court directs that there shall be no coercive action against the petitioner pursuant to the impugned order under Annexure-1, till he shall surrender before the learned A.D.J.-Cum-(FTSC), Jajpur in connection with Special G.R. Case No.907 of 2014 on or before the date fixed.

(R.K. Pattanaik)
Judge