

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2813 of 2022

Bikash Karuan

....

Petitioner

Mr. J. N. Panda, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. T.K. Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAIK

Order
No.

ORDER
30.09.2022

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 23rd June, 2022 directed by the court of learned Additional Sessions Judge-Cum-special Court under POCSO Act, Bhawanipatna on the grounds stated therein.

3. Perused the impugned order dated 23rd June, 2022 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 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 22.7.2022 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 Additional Sessions Judge-Cum-special Court under POCSO Act, Bhawanipatna on or before 21st October, 2022 in C.T. Case No.654/8 of 2019-20 and in the event of his surrender, the court shall release him on bail with conditions as deemed just and proper.

8. It is submitted by the learned counsel for the petitioner that the petitioner and opposite party have married in the meantime and while claiming so he refers to the order of the learned Sessions Court on 15th February, 2021 under Annexure-1 and in such view of the matter, he prays for interim protection till the time of surrender.

9. Considering the above submission, this Court directs that no coercive action shall be taken against petitioner till the time he surrenders before the learned Additional Sessions Judge-Cum-special Court under POCSO Act, Bhawanipatna in C.T. Case No.654/8 of 2019-20 pursuant to the issuance of NBWA pending execution against him.

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

(R.K. Pattanaik)
Judge