

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2824 of 2022

G. Banalata Devi

....

Petitioner

Mr. M.K. Mohapatra, Advocate

-Versus-

State of Odisha (Vigilance)

....

Opposite Party

Standing Counsel for the Vigilance Department

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 Vigilance Department.

2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the issuance of NBWA dated 13th April, 2022 directed by the court of learned Additional Special Judge (Vigilance), Bhubaneswar on the grounds stated therein.

3. Perused the impugned order dated 13th April, 2022 as at Annexure-2.

4. Learned counsel for the petitioner submits that the petitioner was on bail on 6.7.2018 but on the date fixed, she could not appear and no step was either taken on her behalf by the engaged counsel, for which, the court below issued NBWA against her fixing the case to 9.6.2022 for 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 she 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 Special Judge (Vigilance), Bhubaneswar on or before 21st October, 2022 in T. R. No.23 of 2011 and in the event she surrenders, the court shall release her on bail with conditions as deemed just and proper.

8. In view of the submission of learned counsel for the petitioner for interim protection vis-à-vis the petitioner, this Court directs that no coercive action shall taken against petitioner till the time of her surrender before the learned Additional Special Judge (Vigilance), Bhubaneswar in T. R. No.23 of 2011 pursuant to the issuance of NBWA pending execution against her.

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

(R.K. Pattanaik)
Judge