

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2828 of 2022

Binayak Patra & Another

.... Petitioners

Mr.Mahes Das, Advocate

-Versus-

State of Odisha

.... Opposite Party

Mr.T.K.Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER
21.10.2022

Order No.

- 01.
1. Heard learned counsel for the petitioners and learned counsel for the State.
 2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the order of issuance NBWA dated 6th August, 2022 passed by the court of learned Additional District & Sessions Judge, Balliguda in S.T. Case No. 95 of 2014 on the grounds stated therein.
 3. Perused the impugned order, a copy of which is at Annexure-2.
 4. It is submitted by the learned counsel for the petitioners that the petitioners were on bail by order dated 27th August, 2014 but they failed to turn up at the stage of recording of their statements under Section 313 Cr.P.C.. It is further submitted that on the date fixed, an application under Section 313 Cr.P.C. was moved on behalf of the petitioners but the same was not entertained by the

court below and thereafter, on the same day, NBWAs were issued which are pending execution.

5. Considering the submissions of the learned counsel for the parties and having regard to the fact that at the stage of recording of statements of the petitioners under Section 313 Cr.P.C. the NBWAs were issued and admittedly, when they did not turn up for the said purpose, the learned court below took measures against them and hence, the impugned order under Annexure-2 does not suffer from any legal infirmity. However, at this juncture, in the facts and circumstances of the case, the Court is also of the view that the petitioners should be directed to surrender before the court below and released 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 court of Additional District & Sessions Judge, Balliguda on or before 10th November, 2022 in connection with in S.T. Case No. 95 of 2014 corresponding to Balliguda P.S. Case No. 24 of 2014 and in the event their surrender, the court below shall release them on bail with conditions and to ensure expeditious disposal of the case as well.

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

(R.K. Pattanaik)
Judge