

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2930 of 2022

Jitu @ Sujit Kumar Panda & Another Petitioners
Mr. M.K..Panda, Advocate

-Versus-

State of Odisha Opposite Party
Mr. Rajesh Kumar Tripathy, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
01.11.2022

Order No.

01. 1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The present challenge is as to the issuance of NBWAs by an order dated 11th March, 2021 passed in C.T. (Special) Case No. 68 of 2016 arising out of Dhenkanal Sadar P.S. Case No. 101 of 2015 corresponding to G.R. Case No. 280 of 2015 by the learned Judge Special Court, Dhenkanal on the grounds stated therein.
3. Perused the F.I.R. which is at Anneuxre-1 so also the impugned order i.e. Anneuxre-2.
4. Instead of pressing the matter on merit, the learned counsel for the petitioners submits that the petitioners were on court bail in the year 2015 but subsequently, NBWAs were issued against them on 11th March, 2021 fixing their production on 20th April, 2022. It is

further submitted that the default of the petitioners was unintentional and not deliberate and therefore, the order should be recalled. It is further submitted that the petitioners 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 they were on bail, the petitioners should be directed to surrender and allowed to go on bail with conditions.

5. Having gone through the impugned order of issuing NBWAs, 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 they were on bail, the petitioners should be directed to surrender and released on bail subject to conditions imposed by the court below.

6. Accordingly, it is ordered.

7. In the result, the CRLMC stands disposed of with a direction to the petitioners to surrender before the court of learned Judge Special Court, Dhenkanal on or before 18th November, 2022 in connection with C.T. (Special) Case No. 68 of 2016 arising out of Dhenkanal Sadar P.S. Case No. 101 of 2015 corresponding to G.R. Case No. 280 of 2015 and in the event of their surrender, the learned court below shall release them on bail subject to conditions.

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

(R.K. Pattanaik)
Judge