

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2989 of 2022

Musa Palei

....
Mr. Lalitendu Bhuyan, Advocate

Petitioner

-Versus-

State of Orissa

....
Mr.T.K. Praharaj, SC

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
28.11.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. In the present case, petitioner has challenged the issuance of NBWA dated 23rd April, 2013 passed by the learned S.D.J.M., Anandapur in G.R. Case No.508 of 2012 arising out of Ghasipura P.S. Case No.197 of 2012 on the grounds stated therein.
 3. A copy of the FIR at Annexure-1 and the impugned order dated 23rd April, 2013 as at Annexure-2 and the same are perused by this Court, which indicates that pursuant to the report, Ghasipura P.S. Case No.197 of 2012 was registered under Sections 379, 411 and 34 IPC.
 4. Learned counsel for the petitioner submits that the petitioner had approached this Court in BLAPL No.6337 of 2013 which was subsequently disposed of but then the directions made therein could not be complied with by him. It is further submitted that at the stage of investigation, on the prayer of the I.O., learned court below issued NBWA against the petitioner which is pending

execution and in the meantime, chargesheet has been filed under the above offences. It is prayed that considering the above facts, the impugned order under Annexure-2 should be quashed, which is objected to by learned counsel for the State.

5. The petitioner had earlier approached this Court in BLAPL No.6337 of 2023 and according to learned counsel for the petitioner, direction of the Court could not be complied with by the petitioner, whereafter, the order of NBWA was passed.

6. However, the Court does not find any error or illegality committed by the learned court below while passing the order dated 23rd April, 2013, inasmuch as, it rightly passed the order of NBWA against the petitioner.

7. But, having regard to the facts and circumstances of the case and as petitioner had earlier moved this Court in BLAPL No.6337 of 2013, the Court directs the petitioner to surrender before the learned court below and to receive its order on the following terms.

8. Accordingly, it is ordered.

9. In the result, the CRLMC stands disposed of.

10. Consequently, the petitioner is directed to surrender before the learned S.D.J.M. Anandapur on or before 15th December, 2012 in G.R. Case No.508 of 2012 arising out of Ghasipur P.S. Case No.197 of 2012 and in the event he surrenders, the court below shall release him on bail with conditions keeping in view the facts and circumstances of the case.

11. Issue urgent certified copy of this order on proper application.

(R.K. Pattanaik)
Judge