

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3032 of 2022

Biswanath Bhoi

....

Petitioner

Mr. Neelakantha Panda, Advocate

-Versus-

State of Odisha & Another

....

Opposite Party

Mr. Rajesh Kumar Tripathy, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
01.11.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. The present challenge is as to the issuance of NBWA by an order dated 23rd August, 2022 passed in I.C.C. Case No. 158 of 2019 by the learned Civil Judge-cum-JMFC, Kujanga, on the grounds stated therein.
 3. Perused the copy of the impugned order which is at Annexure-1.
 4. Learned counsel for the petitioner submits that by order dated 6th November, 2019, an application under Section 205 Cr.P.C. was allowed vis-à-vis the petitioner who, however, failed to turn up on the date fixed i.e. 23rd August, 2022, consequent upon which, the learned JMFC (P), Kujang issued NBWA against him in

connection with I.C.C. Case No. 158 of 2019 in a proceeding under Section 138 of the N.I. Act and considering the above fact, the petitioner should be directed to surrender and allowed to go on bail with conditions.

5. Having gone through the impugned order of issuing NBWA, 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 he was on bail, the petitioner 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 dismissed. Regard being had to the facts and circumstances of the case, the petitioner is directed to surrender before the learned court of Civil Judge-cum-JMFC, Kujanga on or before 18th November, 2022 in I.C.C. Case No. 158 of 2019 and in the event of his surrender, the court shall release him on bail until then, there shall be no coercive action taken against him on NBWA.

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

(R.K. Pattanaik)
Judge