

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3094 of 2022

Athani Sahu

....
Mr. S.R. Subudhi, Advocate

Petitioner

-Versus-

Odisha Gramya Bank, Lanjijoda Branch

Opposite Party

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
29.11.2022

Order
No.
01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the order of issuance of NBWA dated 17th August, 2022 directed by the court of learned J.M.F.C., Talcher on the grounds stated therein.
3. Perused the impugned order dated 17th August, 2022 as at Annexure-1.
4. The petitioner apply for exemption personal appearance in terms of Section 205 Cr.P.C which is allowed but thereafter, the single date he default in appearance, as a result which, NBWA was issued against him and no step was either taken on his behalf by the engaged counsel, for which, the court below issued NBWA against

him fixing the case to 15.09.2022 for his 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 he 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 J.M.F.C., Talcher on or before 16th December, 2022 in ICC Case No.114 of 2016 and in the event he surrenders, the court shall release him on bail with conditions as deemed just and proper in the facts and circumstances of the case.

8. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge