

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3098 of 2022

Papu Mallik and Another

.... Petitioners
Mr. J. Kamila, Advocate

-Versus-

State of Odisha

.... Opposite Party
Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
04.11.2022

Order
No.
01.

1. Heard learned counsel for the petitioners and learned Standing Counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioners for quashing of the issuance of NBWAs dated 20th April, 2022 directed by the court of learned District and Sessions Judge, Balasore on the grounds stated therein.
3. Perused the impugned order dated 20th April, 2022 as at Annexure-2.
4. Learned counsel for the petitioners submits that the petitioners were on bail but on the date fixed, they could not appear and no step was either taken on their behalf by the engaged counsel, for which, the court below issued NBWAs against them fixing the case to 28.06.2022 for their 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 NBWAs on account of default of the petitioners but then having regard to the fact that they were on bail, it is of the view that in the facts and circumstances of the case, the petitioners 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 petitioners to surrender before the learned District and Sessions Judge, Balasore on or before 23rd November, 2022 in S.T. Case No.198 of 2019 and in the event of their surrender, the court shall release them on bail with conditions as deemed just and proper.

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

(R.K. Pattanaik)
Judge