

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3127 of 2022

Bijayananda Barik

....

Petitioner

Mr. M.K.Mohapatrao, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. T.K.Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
02.11.2022

Order No.

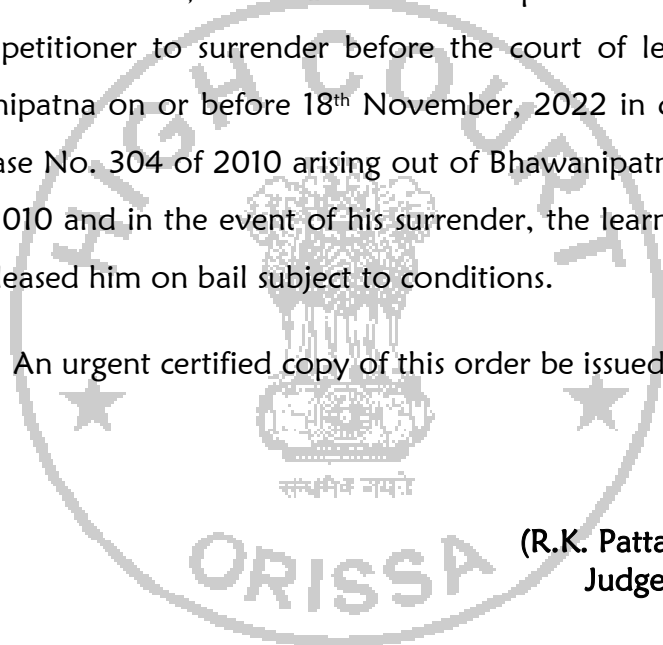
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1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. Present petition under Section 482 Cr.P.C. is filed for quashing of the NBWA passed in G.R. Case No. 304 of 2010 arising out of Bhawanipatna P.S. Case No. 96 of 2010 by the learned S.D.J.M., Bhawanipatna on the grounds stated therein.
 3. Learned counsel for the petitioner submits that the petitioner was on bail from the year 2010 but subsequently, NBWA was issued against him on 7th July, 2022 since he failed to appear. It is further submitted that the petitioner 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 he was on bail, the petitioner should be directed to surrender and go on bail with conditions.

4. The Court perused the order dated 7th July, 2022 and does not find any illegality committed by the learned court below. In fact, the petitioner failed to turn up and on account of his default and since the defense counsel did not take any step on his behalf, the learned court below rightly issued the NBWA against him. The Court is of the view that he should be directed to surrender before the court below and released on bail with conditions which would serve the purpose.

5. Accordingly, it is ordered.

6. In the result, the CRLMC stands disposed of with a direction to the petitioner to surrender before the court of learned S.D.J.M., Bhawanipatna on or before 18th November, 2022 in connection with G.R. Case No. 304 of 2010 arising out of Bhawanipatna P.S. Case No. 96 of 2010 and in the event of his surrender, the learned court below shall released him on bail subject to conditions.

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



(R.K. Pattanaik)
Judge