

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3193 of 2022

Hatakishore Behera @ Hatakeshare
Behera @ Krushna Chandra Behera

....

Petitioner

Mr. T.K. Sahu, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. T.K. Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
02.12.2022

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 issuance of NBWA dated 11th October, 2022 directed by the court of learned J.M.F.C., Gondia on the grounds stated therein.
3. Perused the impugned order dated 11th October, 2022 as at Annexure-2.
4. Learned counsel for the petitioner submits that the petitioner was on bail but on the date fixed, he could not appear 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 17.10.2022 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 NBWAS 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., Gondia on or before 20th December, 2022 in connection with G.R. Case No.271 of 2022 arising out of Nihalprasad P.S. Case No.129 of 2022 and in the event of his surrenders, the court shall release him on bail with conditions as deemed just and proper in the facts and circumstances of the case. सत्यमेव जयते

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

(R.K. Pattanaik)
Judge