

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3205 of 2022

Srikanta Kumar Samal

....

Petitioner

Mr. P.Panigrahi, Advocate and
Mr. H.K.Dash, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Sitikanta Mishra,ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

24.11.2022

Order No.

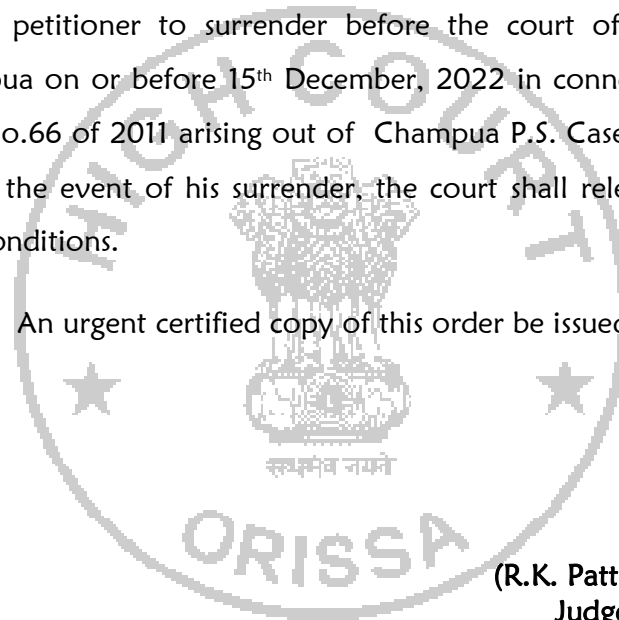
- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. The present challenge is as to the issuance of NBWA by an order dated 24th June, 2016 passed in G.R. Case No.66 of 2011 by the learned JMFC, Champua on the grounds stated therein.
 3. Perused the impugned order which is at Anneuxre-2.
 4. Learned counsel for the petitioner submits that the petitioner was on bail by the learned court below but subsequently, NBWA has been issued against him by order dated 24th June, 2016 as he defaulted in appearance but such default was unintentional. It is further submitted that due to non-appearance, the impugned order was passed and considering the fact that he was on previous bail, the petitioner should be directed to surrender and allowed to go on bail with conditions.

5. The Court does not find any error or legal infirmity in the impugned order dated 24th June, 2016, inasmuch as, the learned court below rightly passed the order since the petitioner defaulted on the date fixed, however, in the facts and circumstances of the case, is of the view that 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 disposed of with a direction to the petitioner to surrender before the court of learned JMFC, Champua on or before 15th December, 2022 in connection with G.R. Case No.66 of 2011 arising out of Champua P.S. Case No. 25 of 2011 and in the event of his surrender, the court shall release him on bail with conditions.

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



(R.K. Pattanaik)
Judge