

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3236 of 2022

Papun@ Dusmanta Mahakud &
Another

....

Petitioners

Mr. Digambar Sethi and
Mr.S.K.Dash, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. S.S.Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
23.11.2022

Order No.

01. 1. Heard learned counsel for the petitioners and learned counsel for the State.
2. The present challenge is as to the issuance of NBWAs by an order dated 18th October, 2022 passed in S.T. Case No.12/26 of 2020 by the learned C.J.M.-cum-ASJ, Keonjhar on the grounds stated therein.
3. Perused the impugned order which is at Anneuxre-1.
4. Learned counsel for the petitioners submits that the petitioners were on bail by this Court in the year 2020 but subsequently, NBWAs have been issued against them by order dated 18th October, 2022 as they 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 they were on previous bail,

the petitioners 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 18th October, 2022, inasmuch as, the learned court below rightly passed the order since the petitioners defaulted on the date fixed, however, in the facts and circumstances of the case, is of the view that the petitioners 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 petitioners to surrender before the court of learned CJM-cum-Assistant Sessions Judge, Keonjhar on or before 14th December, 2022 in connection with S.T. No. 12/26 of 2020 corresponding to Ghatagaon P.S. Case No. 93 of 2019 and in the event of their surrender, the court shall release them on bail with conditions.

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

(R.K. Pattanaik)
Judge