

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3259 of 2022

Brundaban Behera

.... **Petitioner**
Mr. S.K.Jena, Advocate

-Versus-

State of Odisha

.... **Opposite Party**
Mr.Sitikanta Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
17.11.2022

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 25th August, 2022 passed in C.T. Case No. 614 of 2018 arising out of Mangalpur P.S. Case No. 138 of 2018 pending before the court of learned S.D.J.M., Jajpur on the grounds stated therein.
 3. Perused the copy of the F.I.R. which is at Annexure-1 also the impugned order as at Annexure-3.
 4. Learned counsel for the petitioner submits that the petitioner was on bail but subsequently, NBWA was issued against him on 25th August, 2022. It is further submitted that the default of the petitioner was unintentional and not deliberate and therefore, the order should be recalled. 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, he should be directed to surrender and allowed to go on bail with conditions.

5. Having gone through the impugned order of issuing NBWA, the Court does not find any error or legal infirmity therein, as the learned court below correctly passed the order, however, having regard to the fact that he was on bail, 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 dismissed. Regard being had to the facts and circumstances of the case, the petitioner is directed to surrender before the court of learned S.D.J.M., Jajpur on or before 2nd December, 2022 in C.T. Case No. 615 of 2018 arising out of Mangalpur P.S. Case No. 138 of 2018 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