

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3421 of 2022

Jeetendra Kumar Swain & Another

Petitioners

Mr. S.S.Satapathy, Advocate

-Versus-

State of Odisha

.... Opposite Party

Mr. Sitikanta Mishra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
05.12.2022

Order
No.

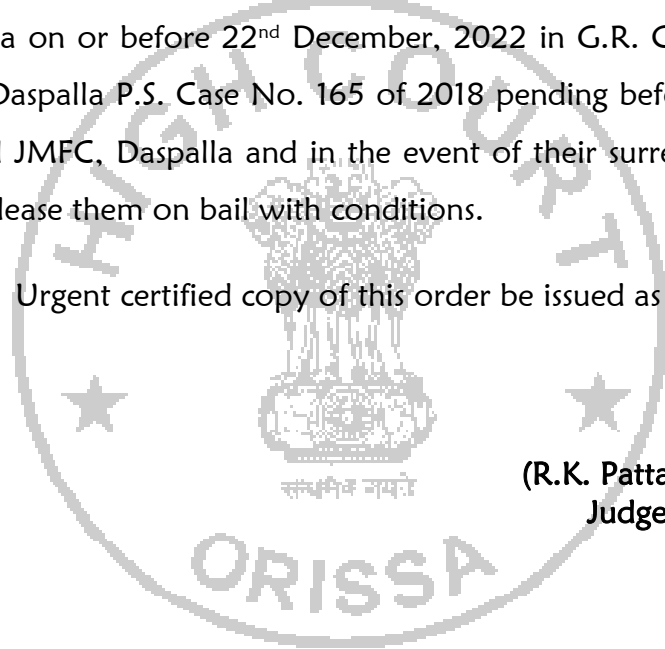
- 01.
1. Heard learned counsel for the petitioners and learned counsel for the State.
 2. The present petition is filed under Section 482 Cr.P.C. against the order of issuance of NBWAs vis-à-vis the petitioners in connection with G.R. Case No. 287 of 2018, Daspalla P.S. Case No. 165 of 2018 pending before the court of learned JMFC, Daspalla on the grounds stated therein.
 3. Perused the impugned order which is at Annexure-1.
 4. Learned counsel for the petitioners submits that NBWAs have been issued against them by order dated 17th 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, 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 17th 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, 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 JMFC, Daspalla on or before 22nd December, 2022 in G.R. Case No. 287 of 2018, Daspalla P.S. Case No. 165 of 2018 pending before the court of learned JMFC, Daspalla and in the event of their surrender, the court shall release them on bail with conditions.

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



(R.K. Pattanaik)
Judge