

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3606 of 2022

Kabul Mahammad @ Md. Kadir Alli
and Another

....

Petitioners

Mr. S.P. Dash, Advocate

-Versus-

State of Orissa

....

Opposite Party

Mr. S.S. Mohapatra, ASC

**CORAM:
MR. JUSTICE R.K. PATTANAİK**

**ORDER
25.11.2022**

Order
No.
01.

1. Heard learned counsel for the petitioners and learned Standing Counsel for the State.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the issuance of NBWAs dated 6th December, 2012 directed by the court of learned S.D.J.M., Karanjia on the grounds stated therein.
3. Perused the impugned order dated 6th December, 2012 as at Annexure-1.
4. Learned counsel for the petitioners submits that the petitioners were on bail but on the date fixed, they could not appear and no step was either taken on their behalf by the engaged counsel, for which, the court below issued NBWAs against them

fixing the case to 25.04.2013 for their 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 petitioners but then having regard to the fact that they were bail, it is of the view that in the facts and circumstances of the case, the petitioners 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 petitioners to surrender before the learned S.D.J.M., Karanjia on or before 15th December, 2022 in G.R. Case No.110 of 2010 arising out of Karanjia P.S. Case No.44 of 2010 and in the event of their surrender, the court shall release them on bail with conditions as deem just and proper in the facts and circumstances of the case.

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

(R.K. Pattanaik)
Judge