

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2490 of 2021

Chaitram Rana & Another

....

Petitioners

Mr. A.K.Sahoo, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. Rajesh Kumar Tripathy, ASC

CORAM:  
MR. JUSTICE R.K. PATTANAİK

ORDER  
01.11.2022

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 1<sup>st</sup> October, 2021 passed in Special G.R. Case No. 18 of 2019 arising out of Paikmal P.S. Case No. 25 of 2016 by the learned Judge Special Judge-cum-Additional Sessions Judge, Padampur on the grounds stated therein.
  3. Perused the F.I.R. which is at Anneuxre-1 so also the impugned order i.e. Anneuxre-3.
  4. The learned counsel for the petitioners submits that on account of their default, the impugned order was passed in 2021 and since then, the NBWAs are pending execution against the petitioners.

5. It is further submitted that the default of the petitioners were unintentional and not deliberate and therefore, the order should be recalled. It is further submitted that the petitioners could not know about the date fixed by the learned court below, as a result of which, the impugned order was passed and in that view of the matter, they should be directed to surrender and allowed to go on bail with conditions.

6. Having gone through the impugned order of issuing NBWAs, 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 they were on bail, the Court is of the view that the petitioners should be directed to surrender and released on bail until then no coercive action shall be taken against them on NBWAs.

7. Accordingly, it is ordered.

8. In the result, the CRLMC stands disposed of with a direction to the petitioners to surrender before the court of learned Judge Special Judge-cum-Additional Sessions Judge, Padampur on or before 18<sup>th</sup> November, 2022 in connection with in Special G.R. Case No. 18 of 2019 arising out of Paikmal P.S. Case No. 25 of 2016 and in the event of his surrender, the learned court below shall release them on bail subject to conditions.

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

**(R.K. Pattanaik)**  
**Judge**