

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3748 of 2022

Smruti Ranjan Swain & Another Petitioners
Mr. Parsuram Panda, Advocate & Associates

-Versus-

State of Odisha Opposite Party
Mr. S.S.Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
30.11.2022

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 3rd November, 2022 passed in G.R. Case No. 206 of 2022 arising out of Balikuda P.S. Case No. 54 of 2022 by the learned S.D.J.M., Jagatsinghpur on the grounds stated therein.
 3. Perused the F.I.R. which is at Anneuxre-2 so also the impugned order i.e. Anneuxre-1.
 4. Learned counsel for the petitioners submits that the petitioners were on bail but subsequently, NBWAs were issued against them on 3rd November, 2022. It is further submitted that the default of the petitioners was 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 considering the fact that they were on bail, the petitioners should be directed to surrender and allowed to go on bail with conditions.

5. 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 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 S.D.J.M., Jagatsinghpur on or before 30th December, 2022 in connection with in G.R. Case No. 206 of 2022 arising out of Balikuda P.S. Case No. 54 of 2022 and in the event they surrender, the learned court below shall release them on bail subject to conditions.

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

(R.K. Pattanaik)
Judge