

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3525 of 2023

**Dibakar Barik & Anr.**

....

**Petitioner**

Mr. P. Panigrahi, Adv.

- Versus -

**State of Odisha**

....

**Opp.Party**

Mr. S.N. Das, ASC

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**

**18.08.2023**

**Order No.**

**1**

1. Heard learned counsel for the petitioners and learned Addl. Standing Counsel.
2. The petitioners are accused persons in C.T. (Special) No.19 of 2013 of the Court of learned Addl. District & Sessions Judge – cum- Judge Special Court, Kamakhyanagar. They were released on bail.
3. Perusal of the impugned order reveals that the petitioners did not appear on the date fixed, for which by order dated 29.8.2016 learned court below directed issuance of N.B.W. against them, which is impugned in the present application.
4. Learned counsel appearing for the petitioners submits that non-appearance of the petitioners on the date fixed is neither intentional nor deliberate, but due to rejection of their application under Section 317 Cr.P.C., NBW has been issued. However, they undertake to appear before the Court regularly in future.
5. Having regard to the submissions made and the materials on record, I am inclined to allow the prayer. The impugned order in so far as it relates to issuance of NBW against the petitioners is hereby quashed. The petitioners are granted liberty to

surrender before the trial court within a period of two weeks and move for bail and in such event they shall be allowed to go on previous bail.

6. The CRLMC is disposed of.
7. Issue urgent certified copy as per rules

**(Sashikanta Mishra)**  
**Judge**

*A.K. Rana*

