



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLMP No. 106 of 2026**

***Informant/victim***

.....

***Petitioner***

Mr. Abhaya Kumar Parida, Advocate

*-versus-*

***1.State of Odisha***

***2. Superintendent of Police, Jajpur***

***3. IIC, Dharmasala Police Station, Jajpur***

.....

***Opposite Parties***

Mr. Sarathi Jyoti Mohanty,  
Additional Standing Counsel

**CORAM:**

**HON'BLE MISS JUSTICE SAVITRI RATHO**

**ORDER**

**26.02.2026**

**Order No.**  
03.

(Through hybrid Mode)

1. This CRLMP has been filed praying for issue of a direction to the Opposite Parties to investigate the matter properly and to apprehend the accused persons in connection with Dharmasala P.S Case No. 616 of 2025 and direct the I.O to record the statements of the victim/informant and other material witnesses as per provisions prescribed under the BNS.
2. Mr. S. J. Mohanty, learned Additional Standing Counsel vehemently submits that the CRLMP should not entertained as the petitioner has not come to this Court with clean hand. He submits that son of the petitioner- Sujala Swain is an accused in Dharmasala PS Case No. 552 of 2025 for commission of the offence punishable under Section 329(4)/115(2)/74/75/76/296/351(3)/3(5) of the BNS



and Section 12 of the POCSO Act. The petitioner had approached this Court in ABLAPL No. 11025 of 2025 which has been rejected by this Court on 24.09.2025. The very next day, the petitioner without submitting any report before the police has filed ICC No. 02 of 2025 in the Court of the learned ADJ-cum-Special Court under POCSO Act, Jajpur. Pursuant to order dated 09.10.2025 passed by that Court under Section 175(3) of the BNSS, Dharmasala P.S Case No. 616 of 2025 has been registered against one Naba Tarai, Kusa Tarai and Ranjan Tarai. He further submits that since the FIR in question has been registered pursuant to order of the learned ADJ-cum-Special Court under POCSO Act, Jajpur, the petitioner has the remedy of approaching the same Court in case of any allegation of delay in completing the investigation or non arrest of the accused persons.

3. Mr. A. K. Parida, learned counsel for the petitioner submits that in view of the provision under Section 193(2) of the BNSS investigation in relation to an offence under sections 4, 6, 8 or section 10 of the POCSO Act, 2012 should be completed within two months from the date on which the information was recorded by the officer in charge of the police station. But the same has not been done in the present case.

4. Pursuant to order dated 18.02.2026, although instructions have not been obtained, but the copy of the up to date case diary is produced by Mr. S. J. Mohanty, learned Additional Standing Counsel. Perusal of the case diary reveals that the statements of various witnesses have been recorded but the statement of the minor daughter of the petitioner is not available in the record nor is there any reference in the case diary that her statement has been recorded.



It however appears that on 18.02.2026, the IO S. Sahoo had gone to Barajunagar but found the house of the complainant locked. Brahmananda Swain and Ajay Das have been re-examined but the statements were not recorded as they did not state anything more than the previous statement. Again on 20.02.2026, the IO had gone to Barajunagar but found the house of the complainant locked and he re-examined one Anil Kumar Swain, who did not state anything more than his previous statement. On 20.02.2026, second notice was sent to the complainant to appear at the police station with her daughter for recording of her statement, through constable Nirmala Sahoo. The constable reported that the house of the complainant was locked and she did not respond to phone call. On 22.02.2026, the IO again went to the house of the complainant, but found her house locked. So it is indicated in the case diary that since the complainant knowingly avoiding police investigation for which her statement and statement of her daughter could not be recorded under Section 183 of the BNSS.

5. Mr. A. K. Parida, learned counsel for the petitioner submits that in order to cover laches in the investigation, the I.O has made these entries in the case diary without going to the house/village of the petitioner. He further submits that the petitioner, her husband are prepared to go to the police station for the purpose of investigation in the case. He also submits that daughter of the petitioner is also ready for recording of her statement under Section 180 and Section 183 of the BNSS. So, if intimation is given, the petitioner along with her daughter will go to the police station and the Court of the learned ADJ-cum-Special Court under POCSO Act, Jajpur.

6. As the petitioner is ready to co-operate with the investigation,



the I.O shall take steps to record the statements of the witnesses under Section 180 and Section 183 of the BNSS, in order to complete investigation without further delay.

7. The CRLMP is disposed of accordingly.

**(Savitri Ratho)**  
**Judge**

*Subhalaxmi*