



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No. 294 of 2026

Abhaya Kumar Behera

....

Petitioner

Mr. Dipak Ranjan Mishra, Advocate

-versus-

***1. State of Odisha, represented through
its Principal Secretary to the
Government, Home Department,
Bhubaneswar***

***2. Director General of Police, Odisha
State Police Headquarters, Odisha
Police, Cuttack***

3. Superintendent of Police, Balangir

***4. Inspector-In-Charge (I.I.C.), CC &
EO PS, Balangir***

***5. Investigation officer, CC&EO PS,
Balangir***

....

Opp. Parties

Mr. Sarathi Jyoti Mohanty,
Additional Standing Counsel

CORAM:

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

23.03.2026

Order No.

(Through hybrid Mode)

02. 1. This CRLMP has been filed with the following prayer:-

*“In view of the facts and circumstances stated
above, it is most respectfully prayed that this
Hon'ble Court may graciously be pleased to:*

*a) Direct the Opposite Party No.3 to change the
Investigating Officer in connection with FIR No.
05/2025 of CC&EO PS, Balangir District -
Balasore;*

*b) Entrust the investigation to a senior and
independent police officer, not below the rank of
Deputy Superintendent of Police;*



c) Direct the Opposite Party No.3 to complete the investigation within a stipulated time framed by the statutory law & filling of charge sheet.
d) Call for and peruse the Case Diary to examine the lapses and inaction in investigation;
e) Direct the Opp. Party No. 3 & 4 to defreeze all the suspected bank accounts belonging to the accused persons and transfer all the alleged amount from the accused persons account to the Petitioner's bank account No. 916010013879766 & 30081669268 and further prayed that if sufficient amount is not available in the accused account Nos. which has been narrated by the petitioner in the FIR then defreeze subsequent layer accounts as accused persons are may cunningly transfer all amount to other accounts.
f) Pass any other order(s) as this Hon'ble Court may deem fit and proper in the interest of justice.
And for this act of kindness, the petitioner is as in duty bound, shall ever pray.”

2. Mr. Sarathi Jyoti Mohanty, learned Additional Standing Counsel vehemently submits that this CRLMP should not be entertained as the Petitioner has not come to the Court with clean hands and has not given a correct certificate in this CRLMP as he has had earlier filed CRLMP No. 969 of 2025.

3. The relevant certificate is reproduced below:-

“The matter out of which the present CRLMP was not before this Hon'ble Court in its present form at the instance of the petitioner, against the same cause of action, as per instruction received from the petitioner.”



4. It is not disputed that the Petitioner had earlier filed CRLMP No. 969 of 2025 where the following order dated 13.08.2025 was passed:-

- “1. Heard learned counsel for the Parties.*
- 2. By means of this application, the Petitioner seeks the intervention of this Court for a direction to the Opposite Party Nos.3 & 4 to defreeze all the suspected bank accounts belonging to the accused persons and transfer all the alleged amount from the accused person's account to his bank account No.916010013879766 & 30081669268.*
- 3. Learned counsel for the State, on the other hand, submits a written instruction of the IIC, CC and EO P.S. Balangir wherein it is mentioned in details as to the manner in which the investigation has progressed. The written instruction is taken on record.*
- 4. As far as the submission of the learned counsel for the Petitioner is concerned, for defreezing the account, no such application has been moved before the concerned investigating authority ascertaining that freezing of the account is necessary for the purpose of investigation. The Petitioner, if so advised, may move the I.O. with an application for the said purpose.*
- 5. Considering, however, that the investigation as has been progressed mentioned in the written instructions of the IIC, CC and EO P.S. Balangir, no further direction is required to be passed herein. The CRLMP stands disposed of accordingly.”*

5. Mr. Mohanty, learned Additional Standing Counsel submits that in the earlier application also there was a prayer to



defreeze the bank accounts belonging to the accused persons and transfer all the alleged amount from the accused persons account to the Petitioner's bank account No. 916010013879766 and 30081669268 and the sufficient amount is not available in the accused account nos. then defreeze subsequent layer accounts as accused persons are may cunningly transfer all amount to other accounts.

6. Mr. Dipak Ranjan Mishra, learned counsel for the Petitioner submits that the cause of action in the earlier CRLMP and this CRLMP was different, as different prayers have been made in the earlier CRLMP and this CRLMP and he has stated in the affidavit portion that CRLMP No. 969 of 2025 had been disposed of on 13.08.2025.

7. In view of the fact that the Petitioner has not stated in his certificate or in his averments about the order passed in CRLMP No.969 of 2025 and as I feel the Petitioner has alternative remedy, I am not inclined to entertain this CRLMP, which is accordingly dismissed.

8. It is open to the Petitioner to approach the proper forum with an application for defreezing the account(s) of the accused and transfer of the amount to his account.

9. Urgent certified copy of this order be granted on proper application.

(Savitri Ratho)
Judge

Sukanta