



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No. 355 of 2026

Himansu Sekhar Jena **Petitioner**

In person

-versus-

1. State of Odisha, represented through **Opp. Parties**
its Commissioner -cum- Secretary,

Home Department, Bhubaneswar

2. Director General of Police, Odisha,
Cuttack

3. Deputy Commissioner of Police,
Cuttack

4. Inspector In-charge, Jagatpur Police
Station

5. Sunil Kumar Behera @ Sandha

6. Humayan Hyder Ali Khan @ Hapi

7. Akash Biswal @ Muna

Mr. Amitabh Pradhan,
Additional Standing Counsel

CORAM:

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

08.04.2026

Order No.

(Through hybrid Mode)

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

“It is, therefore, prayed that, this Hon'ble Court may graciously be pleased to consider the facts stated in the petition admit the same issue notice to the Opp. Parties, calling upon them to file show cause, as to why the prayer made in this petition shall not allowed, if they failed to show cause or show insufficient cause this application may kindly be allowed thereby directing the Opp. Party No. 3 DCP, Cuttack to consider the representation of the petitioner under Annexure- 3



and direct the L.I.C. Jagatpur Police station to conduct investigation in fair manner in connection with Jagatpur P.S. Case No.605 of 2025 and further direction may kindly be given to the IIC, Jagatpur Police station to reinvestigate matter in a fair manner and take necessary steps against the accused persons in accordance with law.

And may pass any other order orders, direction/directions as this Hon'ble court may deem fit and proper;

And for this act of kindness, the petitioner as in duty bound shall ever pray”

2. Mr. Jena submits that from the CC TV footage, it is apparent that four persons had assaulted him, but charge sheet was filed against two persons and for lesser offences to favour the accused persons.

3. The grievance of the Petitioner is that (i) while registering the FIR or submitting charge sheet the offence under Section 109 of BNS was not added and (ii) one Akash Biswal has not been charge sheeted although incriminating materials are available against him.

4. Mr. Amitabh Pradhan, learned Additional Standing Counsel produces the case diary in Jagatpur P.S. Case No. 605 of 2025.

5. Perusal of the case diary reveals that on 07.10.2025, Jagatpur P.S. Case No. 605 of 2025 has been registered against one Sunil Behera, Haidar Ali and others (not named) for commission of offences punishable under Sections 126(2), 296, 115(2), 3(5) of BNS. During investigation the shop owner where the incident took place as well as the neighbouring shop owner



where the Petitioner had been taken, have been examined. They as well as other witnesses have stated that two persons have assaulted the Petitioner for which he sustained bleeding injury on his lip as well as on his head.

6. Perusal of the injury report dated 13.10.2025 issued by the medical officer Sadguru Hospitals, Jagatpur reveals that the Petitioner had sustained a small abrasion size Minimal $\frac{1}{2}$ " x $\frac{1}{2}$ " on the lower lip which has been opined to be simple in nature and caused by rough object and it is also mentioned that CT report of the brain is awaited.

7. After completion of investigation, charge sheet dated 23.10.2025 has been submitted against the accused persons namely Hapi @ Himayun Haidar Alli Khan and Sandha @ Sunil Kumar Behera under Sections 126(2), 115(2), 296, 3(5) of BNS.

8. As the Petitioner has the remedy of challenging the charge sheet if he is aggrieved by the same, the CRLMP is disposed of granting liberty to the Petitioner to challenge the charge sheet in accordance with law before the appropriate forum.

9. The case diary produced by Mr. Amitabh Pradhan, learned Additional Standing Counsel is returned to him.

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

(Savitri Ratho)
Judge

Sukanta