



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLLP No.25 of 2025

Lingaraj Mohanty

...

Petitioner

Ms. S.Mishra, Advocate

-versus-

***Krushna Chandra Behera @
Tula***

...

Opposite Party

CORAM:
JUSTICE G. SATAPATHY

ORDER(ORAL)
27.03.2025

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This special leave to appeal U/S. 419(4) of BNSS by the petitioner seeks to challenge the impugned judgment dated 06.01.2025 passed by the learned JMFC-III(Cog. Taking), Cuttack in GR Case No. 163 of 2024 acquitting the accused-OP of the charge for commission of offence U/Ss. 294/506 of IPC.
3. Heard learned counsel for the petitioner and perused the record including the impugned judgment.
4. Since the petitioner challenges the acquittal of the OP in this case, this Court on careful scrutiny of the impugned judgment finds that the learned trial Court has appreciated the evidence on record on proper perspective and returned with correct finding, since the learned trial Court while recording the acquittal of the OP has observed the following in the impugned judgment:-



"xx xx xx PW1, informant of this case has deposed that he was not present during the occurrence on the spot but he had lodged the FIR on the basis of the complaint made by the cook of Bayababa Ashram namely, Chandra Sekhar Panda xx xxx xx.

PW2 the victim in this case has deposed that he has no complain against the accused person and he does not want to proceed further in this case and while deposing so, he has admitted that he had made a complaint before the Trustee of Kalpataru Sachidananda Trust which has already been marked vide Ext.P-1/PW1.

Whereas, PW3 has deposed that he does not recall the exact date of occurrence, but it was in the year 2024 at about 4.30-5.00 PM while he was present in his room in the Ashram, at that time, Krushna Chandra Behera abused Chandra Sekhar Panda, the cook of the Ashram and thereafter Chandra Sekhar Panda intimated about the incident to Trustee. During cross-examination, he has deposed that he has no direct knowledge about the incident and that he was not examined by the Investigating Officer regarding the case incident. He has also deposed that he has knowledge regarding any specific act occurred during the incident. Overall analysis of the evidence as made hereinabove suggests that the allegations against the accused person could not be established beyond all reasonable doubts."

5. The above discussion of evidence itself discloses that the learned trial Court has rightly appreciated the evidence on record. Even otherwise, this special leave to appeal by the petitioner is not



maintainable inasmuch as neither the petitioner is the victim nor has he any locus to file any leave to appeal petition, in term of Sec. 413 of BNSS which confers power on the victim to present an appeal against the order of acquittal, but it does not confer any power on the informant to prefer an appeal. Moreover, Sec. 419(4) prescribes procedure to prefer an appeal against acquittal in any case instituted upon complaint, however, the present impugned judgment has been rendered in a case instituted upon police report and, therefore, no such leave petition can be entertained by this Court.

6. In the aforesaid circumstance and provisions of law, the special leave to appeal by the petitioner merits no consideration even on facts and law and is accordingly dismissed.

(G. Satapathy)
Judge

kishore

Signature Not Verified

Digitally Signed
Signed by: KISHORE KUMAR SAHOO
Designation: Secretary
Reason: Authentication
Location: High Court of Orissa
Date: 28-Mar-2025 18:06:46

