



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.247 of 2026

***Babu Pradhan @ Endri ...
Babu***

Petitioner

Mr. P.S. Das, Advocate

-versus-

State of Odisha

Opposite Party

Mr. C.R. Swain, AGA

CORAM: JUSTICE V. NARASINGH

**ORDER
01.07.2026**

Order No.

- 02.** 1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. The Petitioner is an accused of commission of offence punishable under Sections 191(2)/ 191(3)/ 103(1)/ 303(2)/ 61(2)/ 190/ 249(a)/ 3(5) of BNS read with 25(1)(a)/27(1) of Arms Act.

Assailing the order dated 19.02.2026 passed by the learned Addl. District & Sessions Judge, Kodala in S.T. Case No.174 of 2025 rejecting the prayer of the Petitioner under Section 250 BNSS, 2023 for discharge, this Criminal Revision has been filed.

3. It is submitted by the learned counsel for the Petitioner that notwithstanding the fact that the



Petitioner is a named accused, there is nothing on record to connect the Petitioner with the alleged offence. It is his further submission that, since there is no CDR, the accusation, inter alia under Section 249(a) of B.N.S is ex facie not established and ignoring such stand which was specifically taken, the learned Trial Court in an mechanically manner has dismissed the application. Hence, the same merits consideration.

4. Learned counsel for the State supports the impugned order.

5. It is seen that the learned Trial Court, inter alia, placed reliance on the judgment of the Apex Court in the case of **State of Orissa v. Debendra Nath Padhi, (2005) 1 SCC 568** and other judgments. So far as the conspiracy is concerned, the learned Trial Court has held that the same is an mental act is required to be examined during the trial.

6. On examination of materials on record qua the Petitioner, this Court does not find any infirmity in the appreciation of the evidence by the learned trial Court so as to warrant interference considering the nature of allegations. The CRLREV is, accordingly, dismissed.



7. It is needless to state here that the observation made herein ought not to be construed as this Court expressing any opinion regarding the complicity of the Petitioner, which has to be established in the ongoing trial in an independent manner.

8. Accordingly, the Criminal Revision along with the pending I.As stand disposed of.

(V. NARASINGH)
Judge

Soumya