



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV No. 331 of 2026

Virendra Kumar Singh

....

Petitioner

Mr. D.P. Nanda, Sr. Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A.K. Pati, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

06.05.2026

Order No.

02.

1. Heard learned senior counsel for the Petitioner and learned counsel for the State.
2. The order dated 06.04.2026 passed by the learned CJ (JD)-cum-JMFC, Lakhanpur in C.T. Case No.1247 of 2025/New C.T No.94 of 2025 taking cognizance of offence under Section 296/ 61(2)/ 308(5)/ 111(2)(b)BNS, is assailed in this Criminal Revision.
3. On going through the materials on record as borne out from the charge sheet and the order dated 06.04.2026, this Court is persuaded to hold that the matter merits examination in the light of the judgment of the Apex Court in the case of **State of Haryana and others vrs. Bhajan Lal and others, 1992 (1) SCC 335.**



4. Since learned counsel for the State accepts notice on behalf of the Opposite Party, no further notice need be issued.
5. Learned counsel for the State is requested to produce the Case Diary.
6. List this matter on 01.07.2026.

(V. NARASINGH)
Judge

I.A. No.548 of 2026

Order No.

- 03.** 1. Referring to the impugned order of cognizance, it is submitted by the learned senior counsel that the same has been taken in mechanical fashion and to fortify his submissions he referred to one of the Section 296 of the BNS, which is stated in the order of cognizance. The said section reads as under:

"296. Obscene acts and songs.—Whoever, to the annoyance of others,—

(a) does any obscene act in any public place; or

(b) sings, recites or utters any obscene song, ballad or words, in or near any public place,

shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both."



2. Referring to the entire recitals of the charge sheet, it is submitted by the learned senior counsel that there is no allegation qua the said section which prima facie established that while taking cognizance there has been lack of application of mind. Hence, he seeks stay of further proceedings.

It is further submitted that allowing the proceedings to continue on the bar of such order of cognizance would be an abuse of process of law.

3. Learned counsel for the State opposes such prayer.

4. On considering the rival submission qua the materials on record, as an interim measure, it is directed that there shall be stay of further proceedings pursuant to the order dated 06.04.2026 in connection with C.T. Case No.1247 of 2025/New C.T. No.94 of 2025 arising out of Lakhanpur P.S. Case No.123 of 2025 passed by the learned JMFC, Lakhanpur, till the next date.

(V. NARASINGH)
Judge

Soumya