



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.445 of 2026
CNR No. ODHC010473442026

Mirza Hasim Baig & Others **Petitioners**
Mohammed Riaz, Advocate

-Versus-

State of Odisha **Opposite Party**
Ms. B. K. Sahu, AGA

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
17.08.2026

Order No.

03. 1. Heard Mr. Riaz, learned counsel for the petitioners and Ms. Sahu, learned AGA for the State.
2. Instant revision is filed by the petitioner assailing the impugned order dated 18th May, 2026 passed in connection with S.T. Case No.53 of 2026 by the learned Additional Sessions Judge, Athagarh on the grounds stated therein.
3. Pursuant to the Court's order dated 9th July, 2026, Mr. Riaz, learned counsel for the petitioner produced a copy of the application under Section 207 Cr. P.C. read with Section 230 BNSS filed before the learned court below along with a memo and the same is taken on record. Mr. Riaz, learned counsel would submit that no police papers were supplied to the petitioners on 18th May, 2026 revealed from the order of the learned court below as at Annexure-3. The further submission is that on the same day, the charge was framed against the



petitioners and not only that a witness was examined from the side of the prosecution. Mr. Riaz, learned counsel submits that in absence of any police papers supplied to the petitioners, it was not right and justified on the part of the learned court below to frame the charge and immediately on the same day, to examine a witness, namely, Rohit Kumar Behera by the prosecution. The submission is that the learned court below ought not to have proceeded with the trial on the very same day and that too when no police papers were ever supplied to petitioners clearly revealed from Annexure-3, hence, therefore, the impugned order dated 18th May, 2026 in S.T. Case No.53 of 2026 is liable to be interfered with and set aside with consequential directions issued.

4. Recorded the reply of Ms. Sahu, learned AGA for the State.

5. Perused a copy of the FIR as at Annexure-1. Subsequent to the report lodged, Athagarh P.S. Case No.54 dated 10th February, 2026 was registered for the alleged offences and ultimately, it resulted in submission of chargesheet as per Annexure-2. Consequent upon receiving the chargesheet, the court below proceeded to frame the charge against the petitioners. The claim of Mr. Riaz, learned counsel is to effect that the police papers were not supplied to the petitioners. From Annexure-3, it is not revealed as to if the police papers were supplied to the petitioners. In fact, an application under Section 207 Cr.P.C. read with Section 230



BNSS dated 18th May, 2026 was moved by the petitioners demanding supply of the police papers and the same is revealed from a true copy thereof produced in Court today by Mr. Riaz, learned counsel along with a memo. Any such exercise, whether, it has been undertaken by the learned court below is not evident from the order dated 18th May, 2026, the date on which the petitioners were present and thereafter charge was framed against them and it was followed by examination of a witness from the side of the prosecution. This Court further finds from Annexure-3 that some documents were marked as exhibits on behalf of the prosecution. But the cross-examination was deferred due to paucity of time and it was fixed to 21st May, 2026. The Court is of the view that considering Annexure-3 it is made to understand that there has been no supply of police papers to the petitioners and learned court below in a haste proceeded to commence the trial and examined a witness from the side of the prosecution.

6. Law mandates that before commencement of trial, defence is required to be provided time to respond. In fact, in the present case, neither the police papers shown to have been supplied to the petitioners nor there was any breathing space for them to respond to the prosecution witness examined on the same day i.e. on 18th May, 2026. It is not known as to what prevailed upon the learned court below to proceed so hurriedly for examination of a witness of the prosecution and that too without following the mandatory provision in supplying the



police papers to the accused persons. Having said that, considering the materials on record and submissions of learned counsel for the respective parties, this Court is of the conclusion that it is a fit case where revisional jurisdiction is to be exercised to unsettle the impugned order dated 18th May, 2026 followed by the direction hereinbelow.

7. Accordingly, it is ordered.

8. In the result, the revision stands allowed. As a necessary corollary, the impugned order dated 18th May, 2026 passed in S.T. Case No.53 of 2026 by the learned Additional Sessions Judge, Athagarh is hereby set aside with a direction to immediately supply the police papers to the petitioners and thereafter, to proceed with the case in accordance with law.

9. Issue urgent copy of this order as per rules.

(R.K. Pattanaik)
Judge