



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.855 of 2026

Surendra Jena

....

Petitioner

Ms. A. Ray, Advocate

-Versus-

State of Odisha & others

....

Opposite Parties

Mr. S. Panda, ASC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

04.08.2026

Order No.

02.

1. Recorded the submission of Ms. Ray, learned counsel for the petitioner.

2. State has received instructions pursuant to the Court's order 17th July, 2026. It is informed to the Court by Ms. Ray, learned counsel that the death of the deceased is on account of strangulation and homicidal in nature referring to the P.M. Report i.e. Annexure-3. But the State received the requisite instruction from opposite party No.3 addressed to the learned AG, Odisha dated 3rd August, 2026 mentioning therein about the medical opinion as to the cause of death not consistent with homicidal strangulation. It is also informed to the Court by Ms. Ray, learned counsel that the preliminary chargesheet is filed for an offence under Section 108 BNS and not under Section 103(1) BNS. Since the further investigation is pending State is directed to take instructions in view of the medical opinion in contrast to the P.M. Report i.e. Annexure-3 as to the cause of



death of victim and in view of the claim that a case under Section 103(1) BNS is prima facie made out and to respond and also to ensure submission of the status report by the I.O. concerned for the Court's perusal and further orders.

3. List on 18th August, 2026 for final hearing and orders.
4. A copy of this order be handed over to Mr. Panda, learned ASC for the State for compliance.

(R.K. Pattanaik)
Judge

Balaram