



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.855 of 2026

CNR No. ODHC010483282026

Surendra Jena

....

Petitioner

Ms. A. Ray, Advocate

-Versus-

State of Odisha & others

....

Opposite Parties

Ms. B.K. Sahu, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

18.08.2026

Order No.

03.

1. Heard learned counsel for the respective parties.
2. Instant CRLMP is filed by the petitioner for a direction to opposite party No.3 to investigate the case in connection with Tihidi P.S. Case Nos.146 of 2026 and 202 of 2026 properly and in an effective manner and to arrest the accused persons for having committed mischief named in the FIR with such other consequential reliefs sought for on the grounds stated therein.
3. This Court by order dated 4th August, 2026 had directed the State to take instructions in view of the medical opinion with findings therein contrary to the P.M. report since claimed by Ms. Ray, learned counsel for the petitioner with regard to the cause of death of the deceased alleging further it not to be suicidal in nature. In compliance of the said direction, the State has received instructions and submitted expert opinion report, a copy of which is produced at the time of hearing.



4. Ms. Sahu, learned AGA for the State referring to the expert opinion dated 19th May, 2026 submits that the death of the deceased is due to combined effects of Asphyxia and venous congestion as a result of constriction of the neck which is not consistent with homicidal strangulation. It is also opined that for all practical possibilities, death appears to be intentional and goes more in favour of hanging and as such, it is mostly suicidal in nature.

5. Ms. Ray, learned counsel for the petitioner, however, submits that there has been evidence to show that the deceased had a homicidal death. It is claimed that the victim's body was found outside hanging and from the evidence on record, it is suggested that such death is homicidal.

6. But, having regard to the opinion received during investigation with reference to the P.M. report, this Court is not to comment on the nature of offence allegedly committed since further investigation is in progress even though there is preliminary chargesheet filed under Section 108 BNS as against the principal accused, namely, Prakash Jena.

7. Ms. Ray, learned counsel for the petitioner submits that the family of the informant is receiving threats and, hence, Tihidi P.S. Case No.202 of 2026 has been registered against the accused and others which is currently under progress. The submission is that the victim's family needs protection in view of the constant threats received from the side of the accused.

8. Considering the threat perception and the apprehension expressed by the petitioner and in that connection, Tihidi P.S. Case No.202 of 2026 is registered, this Court is of the view that



considering the prior incidents and the death of the deceased as a result and for that, there is existence of ill-feelings between both the sides, a direction is necessary to the I.I.C. of the P.S. concerned, namely, opposite party No.3 to take steps to deter the threats and if necessary to provide protection to the family of the informant against such threats allegedly received from the accused and others.

9. With the above observations and direction to opposite party No.3, the CRLMP stands disposed of. Since a preliminary chargesheet is filed against the principal accused notwithstanding the P.M. report and medical opinion, this Court allows the liberty to the petitioner to file protest petition to the same for orders of the learned court below.

10. Issue urgent certified copy as per rules. A copy of this Court be handed over to Ms. Sahu, learned AGA for the State for its onward intimation to opposite party No.3 and immediate compliance.

(R.K. Pattanaik)
Judge