



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3836 of 2025

Binayak Sahoo

.....

Petitioner

Represented By Adv. -
Sanjeeb Kumar Mishra

-versus-

State Of Odisha and others

.....

Opposite Parties

Mr. C.M. Singh, ASC

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

09.10.2025

Order No.

- 01.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Petitioner as well as learned counsel for the State. Perused the application as well as the prayer made therein.
 3. By filing the present application under Section 528 of BNSS, the Petitioner challenges the inaction of the Opposite Parties in not complying with order dated 12.01.2024 passed by the S.D.M., Jajpur in Crl. Misc. Case No.1169 of 2023 and subsequent order dated 05.03.2024.
 4. Learned counsel for the Petitioner at the outset submitted that vide the aforesaid two orders the S.D.M., Jajpur directed the



Opposite Party No.3 to cause an enquiry and to take necessary steps in a proceeding under Section 133 of Cr.P.C. Since the order passed by the S.D.M., Jajpur has not been carried out, the Petitioner has approached this Court by filing the present application.

5. Learned counsel for the State on the other hand contended that the Petitioner, by filing the present application under Section 528 of BNSS, has sought to challenge the inaction of the Opposite Party No.3, who happens to be the Inspector-in-charge, Kuakhia Police Station. In such view of the matter, learned counsel for the State at the outset raised the objection with regard to the maintainability of the present application. He further contended that otherwise also the S.D.M., Jajpur is not powerless to pass necessary orders in accordance with law to ensure that his orders are carried out. On the aforesaid two grounds, learned counsel for the State submitted that the present application is devoid of merit and accordingly, the same should be dismissed.

6. Having heard the learned counsels appearing for the respective parties, on a careful examination of the background facts, further taking into consideration the grievance of the Petitioner in the present application, this Court deems it proper to dispose of the application at this stage by granting liberty to the Petitioner to move the S.D.M., Jajpur in the pending proceeding under Section 133 of Cr.P.C. In such eventuality, the S.D.M., Jajpur shall pass necessary orders in accordance with law to ensure that the orders passed by him are complied with in its letter and spirit. Further, liberty is granted to the Petitioner to move the jurisdictional Superintendent of Police to ensure implementation of the orders passed by the S.D.M.,



Jajpur.

7. With the aforesaid observation, the CRLMC application stands disposed of.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout