



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3912 of 2023

1. Biswajit Pattanaik **Petitioners**
2. Asit Pattanaik

Mr. D. P. Dhal, Senior Advocate
Being assisted by Mr. K. Mohanty, Advocate

-versus-

1. State of Odisha
2. Sehati Mohanty **Opp. Parties**

Mr. S. J. Mohanty,
Additional Standing Counsel
Mr. Ashok Kumar Sahoo, Advocate
(for Opposite Party No.2)

CORAM:

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

21.07.2026

Order No.
06.

(Through hybrid Mode)

1. Heard Mr. D.P. Dhal, learned Senior Counsel for the Petitioner, Mr. S. J. Mohanty, learned Additional Standing Counsel and Mr. A. K. Sahoo, learned counsel for the Opposite Party No. 2.

2. Mr. Dhal, learned Senior Counsel for the Petitioner submits that while exercising power under Section 482 of the Cr.P.C., the Court should not only consider the averments in the FIR (in this case) the complaint and the statements of the witnesses during enquiry under Section-202 of the Cr.P.C. but



other factors should also be looked into. In support of his submission, he relies on the decisions of the Supreme Court in the case of (i) ***Mohammad Wajit and another vs. State of UP and others : (2023) 92 OCR (SC) 98***, (ii) ***Vineet Kumar and others vs. State of UP and another : (2017) 13 SCC 369***, (iii) ***Ramesh Chandra Gupta vs. State of UP and others : (2022) 18 SCC 706***, (iv) ***Mahmood Ali and others vs. State of U.P. and others : (2023) 15 SCC 488*** and (v) ***Prashant Bharti vs. State (NCT of Delhi) : (2013) 9 SCC 293***.

3. Mr. S. J. Mohanty, learned Additional Standing Counsel submits that since the victim, her mother and other witnesses after swearing in the name of god have made allegations against the petitioners, which make out the offences for which cognizance has been taken by the learned Court below. Hence, no interference is warranted in exercise of power under Section 482 of the Cr.P.C.

4. Mr. A. K. Sahoo, learned counsel appearing for the Opposite Party No. 2 supports the submissions of Mr. Mohanty, learned Additional Standing Counsel and also submits that since the statements of witnesses recorded during the 202 inquiry makes out the prima facie case under Section



341, 354(b), 34 of the IPC, read with Section 8 of the POCSO Act, so the cognizance of the said offences has been rightly taken against the Petitioners.

5. Mr. S. J. Mohanty, learned Additional Standing Counsel prays for a short adjournment in order to make further submission.

6. List this matter on 29.07.2026.

7. Interim order passed earlier shall continue till 29.07.2026.

(Savitri Ratho)
Judge

Subhalaxmi

Signature Not Verified

Digitally Signed
Signed by: SUBHALAXMI PRIYADARSHANI
SAHOO
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 21-Jul-2026 18:14:33

