



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV No. 736 of 2025

Suresh kumar Behera **Petitioner**

Mr. A.P. Dit, Advocate

-versus-

1. State of Odisha **Opposite Parties**
2. Motiial Sahu
3. Bipin Sahu
4. Dilip Ekka

Mr. M.R. Mohanty, AGA

CORAM: JUSTICE V. NARASINGH

ORDER

09.02.2026

Order No.

04. 1. Heard learned counsel for the Petitioner and learned counsel for the State
2. The Petitioner as Informant instituted at Biramitrapur P.S. Case No.214 of 2023 under Sections 384/427/506/34 of IPC and Section 3(1)(r)(s)/3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015).
3. After investigation, the final form was submitted inter alia on the ground that no offence is made out. The same was assailed by the Petitioner by filing the Protest Petition. Rejecting the Protest Petition the present revision has been preferred.
4. It is submitted by the learned counsel for the Petitioner that on a bare perusal of the statement of the Petitioner the ingredients of the offence more



particularly under the Special Act is well made out and hence the appreciation of the learned Court being perverse, the matter merits consideration.

5. In rejecting the prayer of the Petitioner, learned Court relied on the judgment of the Apex Court in the case of **Hitesh Verma vs. the State of Uttarakhand & ors.** reported in **(2020) 10 SCC 710** as well as the order passed by this Court dated 01.03.2023 in CRLMC No.2636 of 2011.

6. On perusal of the ratio in the case of **Hitesh Verma (Supra)** one of the guiding factors as to whether an offence is made out under the Special Act or not is whether the person concerned has been subjected to deprivation on account of his caste.

7. On perusal of the statement of the complainant at Page-65, this Court is persuaded to hold that the learned Trial Court has not been able to appreciate the judgment of the Apex Court in the case of **Hitesh Verma (Supra)** in its proper prospective.

8. Admit.

9. Issue notice to the Opposite Party Nos.1 to 4.

Since learned counsel for the State accepts notice on behalf of Opposite Party No.1, no further notice need be issued to the said Opposite Party.

Notice be issued to the Opposite Party Nos.2 to 4 by Speed Post. Requisites shall be filed by 17.01.2026.

10. List this matter on 18.03.2026.



11. Learned counsel for the State is requested to obtain the Case Diary in the meanwhile.

(V. Narasingh)
Judge

Ayesha

Signature Not Verified

Digitally Signed
Signed by: AYESHA ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 10-Feb-2026 19:59:22

