



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. Motilal Sahu ,

3. Bipin Sahu

4. Dilip Ekka

Mr. A.K Pati, ASC

Mr. B.K. Rout, Advocate

CORAM: JUSTICE V. NARASINGH

ORDER

18.03.2026

Order No.

05.

1. Heard learned counsel for the Petitioner and learned counsel for the State.

2. This Criminal Revision has been filed challenging the order dated 02.07.2025 passed by the learned Addl. District & Sessions judge-cum-Special judge, Rourkela in ICC Case No.01 of 2023 (arising out of Spl. G.R. Case No.34 of 2023), whereby the protest petition 384/427/506/34 IPC r/w Sec 3(1)(r)(s)/3(2)(va) of SC/ST (POA) Act was rejected.



3. It is submitted by the learned counsel, Mr. Dit, for the Petitioner that the investigation was conducted in a perfunctory manner in Spl. G.R. Case No.34 of 2023 arising out of Biramitrapur P.S. Case No.214 of 2023 instituted under 384/427/506/34 IPC r/w Sec 3(1)(r)(s)/3(2)(va) of SC/ST (POA) Act without proper scrutiny of the materials on record and challenging the submission of such final report dated 30.11.2023 the ICC case in question was filed.

It is submitted that the learned Court failed to appreciate the assertions in the complaint petition as well as the statements of the complainant-petitioner under Section 200 Cr.P.C and other witnesses recorded under Section 202 Cr.P.C in its proper prospective and ignoring the statements which clearly established that the accused persons not only committed the offence breaking the boundary of the Petitioner's land but also abused him referring to his caste thereby committing the offence under Section Special Act, since exercising jurisdiction in perverse manner, the complaint petition has been dismissed the same merits interference exercise of revisional jurisdiction by this Court.



4. On issuance of notice, the private Opposite Parties have entered appearance. The Vakalatanama, which was stated to have been filed, be taken on record.

5. It is the submission of the learned counsel for the private Opposite Party No.4, Mr. Rout, that during the course of investigation, the statement of the Petitioner was recorded under Section 161 of the Cr.P.C., and the attention of this Court is drawn to the statement of the Petitioner, Suresh Kumar Behera, from the Case Diary produced by the learned counsel for the State, wherein it is the categorical stand of the present Petitioner that he cannot say about any eye-witnesses to the occurrence. The version of the Petitioner in vernacular is produced hereunder:

“ପାଟେରି ଭାଙ୍ଗିବାର କୌଣସି ପ୍ରତ୍ୟକ୍ଷ ଦର୍ଶୀ ବିଷୟରେ କହିପାରିବି ନାହିଁ ।”

6. The statement of the brother of the Petitioner (Paresh Chandra Behera) is also to the same effect.

The Petitioner as well as his brother and one Fakir Mohan Pani were examined as witnesses



on behalf of the complainant-Petitioner in the ICC Case is C.W.1, C.W.2 and C.W.3 respectively.

7. It is apt to note that the third witness, Fakir Mohan Pani was examined in the course of pursuing the complaint case on behalf of the complainant, for the first time whereas he was not named as a witness by the Petitioner during the investigation.

It is borne out from the charge sheet, except the statement of witnesses, there was no independent corroboration of the allegation of the Petitioner and it is apt to note that so far as the allegation under the Special Act is concerned the same is ex facie not maintainable even otherwise against the Opposite Party –Dillip Ekka since he belongs to such category for which final report was submitted.

8. It is curious that the name of said Fakir Mohan Pani examined in the complaint case was never mentioned during the enquiry before the police authority.

9. The learned Special Judge, on a carefully analysis on the evidence adduced in the complaint case (protest petition) vis-a-vis the investigation and the reasons for submission of the final report



arrived at the conclusion that there is no infirmity in the submission of final report.

On scrutiny of the same and taking into account the statement of the complainant and the witnesses recorded under Section 200 and 202 Cr.P.C as noted above and the materials on record including the statement recorded under Section 161 Cr.P.C as well as the final report, this Court does not find any perversity appreciation of evidence and materials on record by the learned Sessions Judge in dismissing the complaint petition and accepting the final report, so as to warrant interference by this Court in exercises of its revisional jurisdiction keeping in view the contours thereof.

10. Accordingly, the CRLREV stands rejected.

(V. NARASINGH)
Judge

Soumya

Signature Not Verified

Digitally Signed
Signed by: SOUMYA RANJAN SAMAL
Designation: Jr. Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 20-Mar-2026 20:18:15

