



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.890 of 2025

Prasanta Kumar Sahu and another Petitioners

Mr. S. Dwibedi, Advocate

-Versus-

State of Odisha and another Opposite Parties

Mr. S.K. Swain, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

20.11.2025

Order No.

01.

1. Heard Mr. Dwibedi, learned counsel for the petitioners and Mr. Swain, learned AGA for the State.

2. Notice to opposite party No.2 is dispensed with as the same is not necessary.

3. Instant revision is filed by the petitioners assailing the impugned order dated 24th June, 2025 as at Annexure-2 passed in connection with G.R. Case No.103 of 2025 by the learned J.M.F.C, Hinjilicut, Ganjam arising out of Hinjili P.S. Case No.87 of 2025 and to quash the criminal proceeding on the grounds stated therein.

4. Perused the FIR as at Annexure-1. The petitioners have lodged a counter FIR, a copy of which is at Annexure-3. Mr. Dwibedi, learned counsel for the petitioners refers to the FIR i.e. Annexure-1 to claim that there is no allegation against petitioner No.2 as the mischief is directed against petitioner No.1 at the instance of the informant, a reporter. The further submission is that the learned Court below without complying proviso to sub-



section (1) of the Section 223 BNSS took cognizance of the offences against the petitioners, hence, on such ground, the impugned order dated 24th June, 2025 at Annexure-2 is liable to be set aside.

5. Recorded the submission of Mr. Swain, learned AGA for the State.

6. On a reading of the impugned order i.e. Annexure-2, the Court finds that no such notice was issued to the petitioners before taking cognizance of the alleged offences upon receiving the chargesheet which is a mandatory compliance in view of proviso to Section 223(1) BNSS. On such ground alone, the impugned order of cognizance dated 24th June, 2025 is liable to be set aside and accordingly, it is ordered.

7. In the result, the revision petition stands allowed. Consequently, the impugned order dated 24th June, 2025 at Annexure-2 in G.R. Case No.103 of 2025 is hereby set aside with a direction to the learned J.M.F.C, Hinjilicut, Ganjam to comply Section 223(1) BNSS and thereafter, to proceed therein considering taking cognizance of the alleged offences having regard to the materials on record in view of the claim that there is no allegation against the petitioners and particularly, petitioner No.2.

8. Urgent copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge