



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.994 of 2025

Mihir Ranjan Pattanayak @ Tulu Petitioner
Babu

Mr. R.K. Pattanaik, Advocate

-Versus-

State of Odisha & another Opposite Parties

Mr. P.K. Ray, AGA

CORAM:

MR. JUSTICE R.K. PATTANAIAK

ORDER

10.12.2025

Order No.

01.

1. Heard Mr. Pattanaik, learned counsel for the petitioner and Mr. Ray, learned AGA for the State opposite party No.1.
2. No notice is issued to opposite party No.2 as the matter is disposed of at the stage of admission.
3. Instant revision is filed by the petitioner assailing the impugned order dated 22nd September, 2025 passed in connection with Special G.R. Case No.77 of 2025 by the learned Additional District Judge-cum-Special Judge, POCSO, Jagtsinghpur arising out of Kujang P.S. Case No.275 of 2025 for having taken cognizance of the offences under Sections 49, 64(2)(m) and 351(3) BNS read with Section 3(5) BNS besides Section 6 of the POCSO Act on the grounds state inter alia that the decision is legally untenable, hence, the same liable to be interfered with.



4. Referring to a copy of the FIR produced in Court at the time of hearing, Mr. Pattanaik, learned counsel for the petitioner submits that at best, an offence under Section 506 IPC is made out against the petitioner and not the other offences, as he is not involved in such mischief, but, the learned court below passed the order of cognizance dated 22nd September, 2025 vide Annexure-3 and issued NBW(A) against him as well besides the other accused persons which is, hence, illegal.

5. A copy of the chargesheet is at Annexure-2 kept in a sealed cover. A copy of the said chargesheet is also produced by Mr. Pattanaik, learned counsel for the petitioner and the same is perused.

6. On the other hand, Mr. Ray, learned AGA for the State would submit that considering the materials on record with subjective satisfaction arrived at, the learned court below passed the impugned order at Annexure-3.

7. On a reading of the FIR, it is made to understand that the victim, a minor, was subjected to sexual mischief in the hands of other two accused persons, whereas, the petitioner is the Sarpanch and he is said to have forced the victim to go for a settlement. It has been alleged therein that the petitioner has administered threat to the victim while forcing her for a compromise. On perusal of the chargesheet, the Court further finds that the allegation of sexual assault has been primarily directed against the other accused persons and not the petitioner, who said to have meddled with the matter and



forcibly attempted to settle it at their level. But, the learned court below passed the order of cognizance vide Annexure-3 in respect of all the offences against the petitioner like others. In fact, no separate order has been passed in respect of the petitioner while taking cognizance of the offences so made to reveal from Annexure-3. That apart, the impugned order of cognizance dated 22nd September, 2025 does not reveal the basis for taking cognizance of the offences including one under Section 6 of the POCSO Act against the petitioner when there has been no such allegation against him revealed on a plain reading of the FIR and the chargesheet. The Court is, therefore, of the conclusion that the discretion has not been exercised properly by the learned court below after receiving the chargesheet while taking cognizance of the offences against the petitioner. In other words, the Court is of the view that there is no judicial application of mind by the learned court below to the materials on record and as a result, it has led to the passing of the impugned order of cognizance i.e. Annexure-3. The Court is in agreement with the contention of Mr. Pattanaik, learned counsel for the petitioner and is of ultimate view that the cognizance order at Annexure-3 is liable to be set at naught with a direction to the learned court below to revisit the same in the light of the allegations contained in the FIR i.e. Annexure-1 and the chargesheet filed.

8. Accordingly, it is ordered.

9. In the result, the revision stands allowed. As a necessary corollary, the impugned order of cognizance dated



22nd September, 2025 at Annexure-3 vis-à-vis the petitioner is hereby set aside with a direction to the learned Additional District Judge-cum-Special Judge, POCSO, Jagtsinghpur to freshly consider taking cognizance vis-à-vis the petitioner with reference to the FIR and chargesheet at Annexures-1 and 2 respectively and thereafter, to pass appropriate order as per and in accordance with law at the earliest preferably within a period of four weeks from the date of receipt of a copy of the order and till such time, to defer any such coercive action pursuant to the issuance of NBW(A) pending execution against him.

10. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

Alok