

A.F.R.



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.04 of 2026

In the matter of an application under Section 397 read with Section 401 of Cr.P.C.

Ranjit Kumar Das @ **Petitioner**
Ranjeet Kumar Das

-versus-

1. State of Orissa **Opposite Parties**
2. Informant/Victim

For Petitioner : Mr. L. Samantaray, Advocate
Mr. D. Mohapatra, Advocate

For Opposite Parties : Mr. S. Panigrahi, ASC

CORAM:
JUSTICE V. NARASINGH

DATE OF FINAL HEARING : 16.01.2026

DATE OF JUDGMENT : 20.04.2026

V. Narasingh, J. Heard learned counsel for the
Petitioner and learned counsel for the State.

1. Assailing the order dated 15.12.2025 at
Annexure-7 passed by the learned District and
Sessions Judge, Bhubaneswar, by which the prayer



of the Petitioner under Section 250¹ of the BNSS to discharge him for allegedly committing offences under Section 64(2)(m)² of the BNS, 2023 was rejected, the present criminal revision has been filed.

2. Admittedly, this is the third journey of the Petitioner to this Court.

3. The Petitioner had filed CRLMC No.1847 of 2025³ under Section 528⁴ of the BNSS for

¹ **250. Discharge.**—(1) The accused may prefer an application for discharge within a period of sixty days from the date of commitment of the case under Section 232.

(2) If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.

Corresponding Law: S. 227 of Act 2 of 1974.

² **64. Punishment for rape.**— (1) xxx xxx xxx

(2) Whoever,— (a) to (l) xxx xxx xxx

(m) commits rape repeatedly on the same woman,

shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Corresponding Law: S. 376(2) of Act 45 of 1860.

³ *Ranjit Kumar Das v. State of Odisha*, CRLMC No. 1847 of 2025, Order dated 23 June 2025 (Orissa High Court)

⁴ **528. Saving of inherent powers of High Court.**—Nothing in this Sanhita shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Sanhita, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.



quashing the criminal proceeding in C.T. Case No.252 of 2025 on the file of the learned SDJM, Bhubaneswar arising out of Mahila P.S. Case No.39 of 2025 for allegedly committing offences under Sections 64(2)(m)² and 351(2)⁵ of the BNS, 2023 and vide order dated 23.06.2025³, this Court was not inclined to entertain the same, giving liberty to the Petitioner to raise all the grounds at the time of framing of charge.

4. Subsequently, assailing the order dated 10.11.2025 passed in the aforementioned C.T. Case by the learned Sessions Judge, Khurda rejecting his application for discharge under Section 250¹ of the BNSS from commission of offences under Section 64(2)(m)² of the BNS, the same was subject matter of challenge at the

Corresponding Law: S. 482 of Act 2 of 1974.

⁵ **351. Criminal intimidation.**— (1) xxx xxx xxx

(2) Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Corresponding Law: S. 506 of Act 45 of 1860.



instance of the Petitioner in Criminal Revision No.913 of 2025.

5. Considering the rival submissions, while setting aside the impugned order therein, i.e., dated 20.11.2025, this Court directed reconsideration of the contention for discharge, specifically referring to the judgment of the Apex Court in the case of ***Amol Bhagwan Nehul vs. The State of Maharashtra and another***⁶.

On such reconsideration, the impugned order dated 15.12.2025 has been passed, as noted above.

6. The learned counsel for the Petitioner, Mr. Samantaray, and Mr. D. Mohapatra urged with vehemence that even if the entire allegations of the prosecution are accepted at their face value, no offence under Section 64(2)(m)² of the BNS, 2023 is ex facie made out. Hence, putting the

⁶ *Amol Bhagwan Nehul vs. The State of Maharashtra*; AIROnline 2025 SC 404



Petitioner through the rigors of trial for commission of such offence would not only result in his ignominy in defending such accusation, but even on the materials on record, the trial would be an exercise in futility, thereby resulting in a waste of precious judicial time.

6-A. To fortify their submission, they relied on the recitals of the charge sheet including the statement of the victim and other materials on record and the following decisions: -

- "1. Gurmeet Singh v. State of Uttarakhand & Another⁷**
- 2. Manoj Kumar Munda v. State of Odisha⁸**
- 3. Amol Bhagwan Nehul v. State of Maharashtra⁹**
- 4. Samadhan Sitaram Manmothe v. State of Maharashtra & Anr¹⁰**

⁷ Gurmeet Singh v. State of Uttarakhand, AIROnline 2025 UTR 313

⁸ Manoj Kumar Munda v. State of Odisha, AIROnline 2025 Ori 32

⁹ Amol Bhagwan Nehul v. State of Maharashtra, AIROnline 2025 SC 404

¹⁰ Samadhan Sitaram Manmothe v. State of Maharashtra, AIROnline 2025 SC 1099



5. Pramod Suryabhan Pawar v. State of Maharashtra¹¹

6. Dhruvaram Sonar v. State of Maharashtra¹²

7. State of Haryana v. Bhajan Lal¹³

7. Learned counsel for the State while opposing such prayer submits that the case at hand does not merit consideration of this Court in exercise of its revisional jurisdiction and to substantiate his submissions, he has relied on the following judgments: -

1. State of Orissa vrs. Pratima Behera¹⁴

2. State of Orissa vrs. Debendra Nath Padhi¹⁵

3. State of Delhi vrs. Gyan Devi & Ors.¹⁶

4. Tarun Jit Tejpal vrs. The State of Goa & Anr.¹⁷

¹¹ *Pramod Suryabhan Pawar v. State of Maharashtra*, (2019) 9 SCC 608

¹² *Dhruvaram Sonar v. State of Maharashtra*, AIR 2019 SC 327

¹³ *State of Haryana v. Bhajan Lal*, AIR 1993 SC 1348

¹⁴ *State of Orissa v. Pratima Behera*, 2024 SCC OnLine SC 3805

¹⁵ *State of Orissa v. Debendra Nath Padhi*, (2005) 1 SCC 568

¹⁶ *State of Delhi v. Gyan Devi*, (2000) 8 SCC 239

¹⁷ *Tarun Jit Tejpal v. State of Goa*, (2020) 17 SCC 556



court would convincingly demonstrate that the prosecution version is totally absurd or preposterous, and in such very rare cases the defence material can be looked into by the court at the time of framing of the charges or taking cognizance. In our opinion, therefore, it cannot be said as an absolute proposition that under no circumstances can the court look into the material produced by the defence at the time of framing of the charges, though this should be done in very rare cases i.e. where the defence produces some material which convincingly demonstrates that the whole prosecution case is totally absurd or totally concocted.

xxx

xxx

xxx"

(Emphasized)

9. The rival contentions of the parties on the basis of materials on record have to be considered in the backdrop of the law referred to hereinabove in the light of the decision cited at the bar and the



contours of the revisional jurisdiction as noted above.

10. It is the case of the prosecution that, in the course of investigation of the FIR lodged by the Opposite Party-victim, the Petitioner developed acquaintance with the victim and on 17.06.2024 forcibly established physical relationship with her. When she opposed, she and her children were threatened, and the said physical relationship continued for a period of time. During such period, the Petitioner claimed himself to be a bachelor. Subsequently, upon coming to know that he was married, the victim lodged Bhubaneswar Mahila P.S. Case No.39 of 2025 under Section 64(2)(m) and 351(2) of BNS and Section 27 of the Arms Act.

11. During the course of investigation, the statement of the victim was recorded under Section 183 of BNSS which is on record. After investigation final form was submitted under



Section 64(2)(m)² and 351(2)⁵ of BNS, 2023 against the Petitioner as an accused. As already noted, the prayer of the Petitioner *"to quash the proceeding was not entertained by this Court. But, the earlier order of the learned Trial Court rejecting his prayer for discharge dated 20.11.2025 was set aside"* and the matter was remanded for fresh consideration.

The prayer for discharge on such remand having been negated by the impugned order dated 15.12.2025 vide Annexure-7, the same is under challenge as noted above.

12. Much reliance has been placed by the learned counsel for the Petitioner on the judgment of the Apex Court in the case of **Amol Bhagwan Nehul (supra)**⁹ which has been referred to by this Court while remanding the matter for fresh consideration.



In Paragraph No.8 (a) & (b) thereof⁹ special features which persuaded the Apex Court in quashing the proceeding have been noted. The same are extracted hereunder: -

“(a) Even if the allegations in the FIR are taken as a true and correct depiction of circumstances, it does not appear from the record that the consent of the Complainant/Respondent no. 2 was obtained against her will and merely on an assurance to marry. The Appellant and the Complainant/Respondent no. 2 were acquainted since 08.06.2022, and she herself admits that they interacted frequently and fell in love. The Complainant/Respondent no. 2 engaged in a physical relationship alleging that the Appellant had done so without her consent, however she not only sustained her relationship for over 12 months, but continued to visit him in lodges on two separate occasions. The narrative of the Complainant/Respondent no. 2 does not corroborate with her conduct.

(b) The consent of the Complainant/Respondent no. 2 as defined under section



90 IPC also cannot be said to have been obtained under a misconception of fact. There is no material to substantiate "inducement or misrepresentation" on the part of the Appellant to secure consent for sexual relations without having any intention of fulfilling said promise. Investigation has also revealed that the Khulanama, was executed on 29.12.2022 which the Complainant/Respondent no. 2 had obtained from her ex-husband. During this time, the parties were already in a relationship and the alleged incident had already taken place. It is inconceivable that the Complainant had engaged in a physical relationship with the Appellant, on the assurance of marriage, while she was already married to someone else. Even otherwise, such promise to begin with was illegal and unenforceable qua the Appellant."

12-A. The Petitioner has also relied on the judgment of the ***Samadhan Sitaram Manmothe(supra)***¹⁰, wherein the proceeding under Section 376(2)(n)² IPC was quashed and



after analysis of the material on record what weighed with the Apex Court in quashing the proceeding has been succinctly stated in Paragraph No.40 thereof, which is culled out hereunder for convenience of reference: -

“(40) In view of the foregoing analysis, we are unable to concur with the findings recorded by the High Court, inasmuch as the present case pertains to a consensual relationship, and the acts of respondent No.2 clearly manifest consent to such a relationship devoid of any coercion, fraud, or misrepresentation as contemplated in Section 19 of the Indian Contract Act, 1872. In our opinion, the High Court's refusal to exercise its jurisdiction under Section 528 of BNSS is unsustainable. The acts complained of in the present case occurred within the contours of a relationship that was, at the time, voluntary and willing. The continuation of the prosecution in such facts would be nothing short of an abuse of the court machinery.”



Para 22 of the said judgment is also relevant for adjudication, the same is extracted hereunder;

"22. In genuine cases under Section 376(2)(n) of the IPC, the pattern is usually unmistakable; it is an initial act of sexual assault, followed by multiple acts under fear, pressure, captivity, or continued deceit, often when the woman is rendered vulnerable and unable to escape the situation."

12-B. The other judgment relied upon by the learned counsel for the Petitioner is the case of ***Pramod Suryabhan Pawar(supra)***¹¹.

The FIR in the said case was quashed in the backdrop of the facts which are stated in Paragraph Nos.2.1 to 2.8.

For convenience of reference the said Paragraphs are extracted hereunder: -

"2.1. According to the complainant, she and the appellant have known each other since



1998. She would speak to the appellant on the phone and met him regularly as early as 2004. In 2008 the appellant proposed marriage and assured her that their belonging to different castes would not be a hindrance. The appellant allegedly promised to marry the complainant after the marriage of his elder sister. On 23-1-2009 the appellant allegedly reiterated his promise to marry her at the Patnadevi Temple in Chalisgaon.

2.2. The complainant completed her BSc in Agriculture in 2002 and worked as a Junior Research Assistant. In 2007 she was selected as a Naib Tahsildar at Chalisgaon. In March 2009 she was appointed to the post of Assistant Sales Tax Commissioner at Mazgaon. The appellant would, it is alleged, come to meet her and lived with her in November 2009. During his visit, the complainant alleges that she refused to engage in sexual intercourse with the appellant, but "on the promise of marriage he forcibly established corporeal relationships".

2.3. The complainant alleges that throughout 2010, the appellant visited her



on multiple occasions and they engaged in sexual intercourse. When the appellant was posted in Gadchiroli, the complainant visited the appellant multiple times over the course of 2011. Each of these visits lasted four to five days during which the complainant resided with the appellant and they engaged in sexual intercourse. During these visits the complainant enquired about marriage and the appellant responded in the affirmative. In December 2011 the appellant visited her and resided in her house for four days.

2.4. The appellant's elder sister was married on 5-2-2012. On 23-12 -2012 the appellant visited her and forced her to engage in sexual intercourse. Afterwards, for the first time the appellant raised concerns about marrying her on the ground that their belonging to different castes would hinder the appellant's younger sister's marriage. In January 2013 the complainant visited the appellant in Nagpur, and the appellant also subsequently visited her. On both occasions they engaged in sexual intercourse.

2.5. During these years she missed her menstrual periods on several occasions. In 2013-2014 the complainant and appellant



jointly visited the hospital multiple times to check whether she was pregnant. In June 2013 the appellant was posted in Navi Mumbai and used to spend his weekends residing at the complainant's house. They regularly engaged in sexual intercourse during this period. Beginning in January 2014 the appellant raised concerns about marrying the complainant on the ground of her caste. This led to heated arguments. However, the appellant used to regularly visit her house at Panvel until March 2015, each time engaging in sexual intercourse with her.

2.6. On 27-8-2015 and 28-8-2015 and 22-10-2015 the appellant sent the complainant certain WhatsApp messages. The complainant alleges that these messages were insulting and attacked her on the grounds of her caste. The messages stated:

"You are bad for society. If shoe is kept on head, then head would get dirty. Reservation did not add any intelligence; You have got government service with ease."

2.7. In November 2015 for the first time the complainant threatened to file a police



complaint against the appellant. The appellant promised to marry her after the marriage of his brother. At this time also they engaged in sexual intercourse.

2.8. On 9-3-2016 the appellant engaged in sexual intercourse with the complainant against her will. Subsequently, the complainant was apprised of the fact that the appellant was engaged to another woman. The appellant informed the complainant that the woman he was engaged to was demanding rupees two lakhs to break off the engagement. On 28-3-2016 the appellant reiterated his promise to marry the complainant and arranged for her to speak to the woman he had been engaged to, to assure the complainant that the appellant was no longer in a relationship with her. Subsequently the complainant became aware that the appellant had married on 01.05.2016. On 17.05.2015 she filed the FIR."

12-C. Petitioner has pressed into service the judgment of the Apex Court in the case of **Dhruvaram Murlidhar Sonar(*supra*)**Error!



Bookmark not defined.. The FIR in the said case was quashed. And, the factual matrix of the said case as stated in Paragraph No.3 thereof is extracted hereunder: -

"3. The Appellant is the Accused No. 1 in the aforesaid FIR, registered at the instance of the complainant/Respondent No. 4. At the relevant point of time, the Appellant was serving as a medical officer, Primary Health Centre at Toranmal, Radgona Nandurbar District, whereas the complainant was working as an Assistant Nurse at the same establishment. The allegations made by the complainant in the FIR in brief are that her husband died on 05.11.1997, leaving behind her and her two children. During this time, the Appellant informed her that there have been differences between him and his wife, and therefore, he is planning to divorce his wife. Further, the Appellant informed the complainant that since they belong to different communities, a month is needed for the registration of their marriage. Therefore, she started living with the Appellant at his Government quarters. The FIR further states



that she had fallen in love. with the Appellant and that she needed a companion as she is a widow, Therefore, they started living together, as if they were husband and wife. They resided some time at her house and some time at the house of the Appellant. The Appellant acted as if he has married her and has maintained a physical relationship with her. However, he has failed to marry her as promised. When things stood thus, his brother, I.e. Accused No. 2. claims to have married her. Thereafter, in the year 2000, complainant received the information from the co-accused about the marriage of the Appellant with some other woman. Therefore, she filed the aforesaid complaint and FIR dated 06.12.2000 came to be registered against the Appellant and the co-accused."

12-D. Reliance placed on the judgment in the case of **Gurmeet Singh(supra)**⁷ is also of no assistance to the Petitioner.

In the said case, the Hon'ble Court has observed thus;



"xxx

xxx

xxx

Having heard learned counsel for the parties and on perusal of the entire documents available on record, coupled with the fact that the respondent No.2 is 15 years' elder than the applicant and further she is major and on her consensus, the physical relations were established between her and the applicant, therefore, it is in the opinion of the this Court that the allegations made by the respondent No.2 in the FIR, appear to be nothing but an exaggeration.

xxx

xxx

xxx"

12-E. Similarly, the reliance placed on ***Manoj Kumar Munda(supra)***⁸ is misplaced as the same is factually distinguishable.

In the said judgment, this Court noted thus;

"xxx

xxx

xxx

25. Upon careful perusal of the provisions outlined, the submissions made and the



case records, one incontrovertible truth emerges; the fulcrum upon which the adjudication of this case rests is "consent". In the jurisprudence of sexual offences, the absence or presence of consent is not merely a factual consideration but the very essence of criminal culpability. The law mandates that the prosecution must establish, beyond reasonable doubt, that consent was either absent or vitiated by coercion, deception, or incapacity. Thus, in the final analysis, the outcome of this case shall turn solely on this cardinal question: was there free, voluntary and unequivocal consent?

26. The annals of jurisprudence are replete with deliberations on the concept of consent, a principle that has been scrutinised, refined and expounded upon in countless judicial pronouncements. Within the framework of Section 375 IPC, consent is not a mere nod of acquiescence, nor the absence of resistance, but an active and reasoned



understanding of the circumstances, the nature of the act and its attendant consequences.

xxx

xxx

xxx”

13. On perusal of the statements of the victim under Section 180 of BNSS as well as under Section 183 of BNSS, it is seen that it is the consistent stand of the victim that the accused-Petitioner had first acquaintance with her, in his capacity as an **Investigating Officer**, while conducting investigation into the complaint lodged by her as a widow on account of theft of materials from her office, which she was running after the death of her husband.

Further, when the Opposite Party-Victim requested the Petitioner for a gas cylinder, the same was provided by the Petitioner and during the course of his visits to the house, he tried to overstep the limits of an Investigating Officer and



initially wanted to take rest in the house of the Petitioner on one of the days, which was not agreed to by the Opposite Party-victim.

Later on, on the date of occurrence, taking advantage of the absence of the Petitioner's son and daughter, against the will of the Opposite Party no.1- victim, the Petitioner committed the offence.

13-A. On bare analysis of the materials on record, it is borne out that the transgression of limits by the Petitioner, a Police Official, initially led to the commission of the offence, and thereafter he took advantage of his dominant position, and the alleged subsequent conduct of the victim, which is stated to be consensual, has to be viewed in the background of the initial offence committed for the first time against the will of the victim, as per her statements.



It cannot be lost sight that the Petitioner, being an Investigating Officer, was in a position to dominate the will of the victim.

Viewed in this context, the initial resistance of the victim as borne out from her statement under Section 183 of BNSS, has to be given its due weightage at the stage of framing of charge and the veracity of it does not merit adjudication, at the threshold, as being canvased by the Petitioner.

In the given factual backdrop of the case at hand, the same would amount to a “mini trial” which is not permissible in the light of Judgment of the Apex Court in the case of **Debendra Nath Padhi (supra)**¹⁵.

14. On a close analysis of the judgments cited at the behest of the Petitioner, this Court is persuaded to hold that the same, including the judgment in the case of **Amol Bhagwan (supra)**⁹, relied upon by this Court in its earlier



order remanding the matter for fresh adjudication of the Petitioner's prayer for discharge, are clearly distinguishable on facts and do not help the cause of the Petitioner seeking discharge.

14-A. It needs no reiteration that the judgments are rendered in the peculiar facts of each case and cannot have universal application bereft of the factual matrix.

In this context reliance can be placed on the judgment of the Apex Court in the case of the ***Haryana Financial Corporation and Anr. Vrs. M/s. Jagdamba Oil Mills and Anr.***²⁰

15. Thus, on a conspectus of materials on record, this Court does not find any merit in the revision. The same accordingly stands rejected.

16. It is apt to state that the observations made herein are only for the purpose of considering the prayer of the Petitioner seeking discharge and

²⁰ *Haryana Finance Corporation v. Jagdamba Oil Mills*, (2002) 3 SCC 496



ought not to be construed as this Court expressing any opinion regarding the complicity of the Petitioner or the veracity of his claim that a consensual relationship is being given the colour of criminality, which has to be established in an independent manner by the learned Trial Court without being prejudiced by any of the observations made hereinabove.

21. Accordingly, the criminal revision stands disposed of.

(V. Narasingh)
Judge

*Orissa High Court, Cuttack,
Dated the 20th April, 2026/Jina*