



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.312 of 2026

In the matter of an application under Section 442 of
B.N.S.S.

Sudarsan Jena

....

Petitioner

-versus-

1. State of Orissa

....

Opposite Party

2. Kishore Kumar Panda

3. Bijaya Kumar Sethi

4. Ditimayee Sharma

(ORS)

5. Sasmita Bhuyan

For Petitioner

: Mr. M.K. Chand, Advocate

For Opposite Party

: Mr. B.L. Tripathy, ASC

CORAM:

JUSTICE V. NARASINGH

DATE OF HEARING : 06.07.2026

DATE OF JUDGMENT : 19.09.2026

V. Narasingh, J. Heard Mr. Chand, learned counsel for
the Petitioner and Mr. Tripathy, learned ASC for the
State.



1. This Criminal Revision has been filed assailing the order dated 02.04.2026 passed by the learned J.M.F.C. (Cognizance Taking), Khordha, in 1.C.C. No. 60 of 2025, whereby the complaint filed by the Petitioner was dismissed.

The prayer in the Criminal Revision reads as under:

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xxxxxxx

Under such circumstance the Petitioner therefore Pray that this Hon'ble Court may kindly be Pleased to Admit the Revision, issue Notice to the Opp-Parties L.C.R. be Called for and after hearing the Parties the Order of Dismissal of Complain Case by Order dated 02.04.2026 Passed in Complain Case Number 1.C.C No-60 of 2025 by the Court of learned J.M.F.C (Cog Taking), Khurda may kindly be set aside.

xxx

xxxxxxx"

2. **For convenience of reference, the parties shall be referred to as per their status in the complaint case.**



2-A. In the said complaint petition, present Opposite Party Nos. 2 to 5 were arrayed as accused Nos. 1 to 4.

3. The Petitioner claims to be the President of Maa Bhuiyani (Banadurga) Trust, Bolagada. It is alleged that, while the application for settlement of the land in favour of the Trust was pending, on 10.09.2025, without initiating any lawful proceeding under the Odisha Prevention of Land Encroachment Act, 1972 (hereinafter referred to as the 'OPLE Act') or issuing any notice of eviction, the accused officials, in collusion with unknown persons and by misuse of their official position, forcibly entered the temple premises along with police personnel, abused the Complainant in filthy language, criminally intimidated him with threats of demolition and death, attempted to lock the temple premises, forcibly broke open the locks of the store room, donation box, office room, and shop room, entered the premises and removed cash and other articles without preparing any seizure list or furnishing any acknowledgment.

3-A. It is further alleged that they acted on the basis of a mala fide requisition for police deployment, thereby taking the law into their own hands. According to the Petitioner, such acts were



committed in furtherance of a criminal conspiracy to cause wrongful loss to the Trust and wrongful gain to third parties having enmity with the Complainant, resulting in financial loss of about Rs.10,00,000/-, interference with a long-standing public place of worship, and harassment, intimidation, and loss of reputation to the Complainant and other members of the locality, thereby constituting offences punishable under the BNS, 2023.

3-B. Thereafter, 1.C.C. Case No. 60 of 2025 was instituted, inter alia, on the ground of non-registration of the F.I.R.

4. In reply to the notice under Section 223(2) of the BNSS, accused No. 1 (the Sub-Collector-Opposite Party No.1) took the stand that the actions complained of were taken strictly in the discharge of his official duties, in the public interest, and on the basis of the requisition made by the Tahasildar, Bolgarh (Letter No. 4577 dated 10.09.2025).

4-A. The further stand of accused No. 1 is that the said requisition stated that the Managing Committee of Maa Bhuiyani Devi Pitha had applied for opening a locked room and preparation of an inventory. Pursuant thereto, accused No. 1 issued Letter No. 7931/Judicial dated 10.09.2025 to the Superintendent of Police, Khordha, requesting



deployment of police personnel, and also directed the appointment of an Executive Magistrate (accused No. 3) to supervise the process in order to maintain transparency and accountability.

4-B.It is contended that the said action was administrative in nature and was taken on the basis of official communication and the request of the Tahasildar, and not on any independent or mala fide initiative of accused No. 1.

4-C.It is further contended that the allegations of misuse of official position are false, baseless and fabricated and that accused No. 1 has since been transferred from the post of Sub-Collector and is no longer holding the said office.

Referring to the aforesaid facts, accused No. 1 sought dismissal of the complaint.

5. The stand taken by the other accused persons (Opposite Party Nos.3, 4 and 5 in the present revision) is more or less similar. The common thread of their defence being that the acts complained of were performed in the due discharge of their official duties.

6. The Complainant- Petitioner, however, refuted the aforesaid stand that the alleged acts were committed in the due discharge of official duties.



7. On perusal of the complaint petition and the allegations made therein, the Court in seisin came to the conclusion that the acts complained of bear a reasonable nexus with the discharge of official duties and could not be termed as acts done in a personal capacity or with any unlawful intent.

8. On a cogent analysis of the materials on record and the initial statement of the Complainant, and taking note of the fact that *"the allegations of theft of cash, criminal intimidation, abuse, and criminal conspiracy, as detailed in the complaint petition, do not find place in sworn statements."*, the learned JMFC (Cog. Taking), Khurda, came to the finding that no materials could be brought on record to substantiate the allegations made in the complaint petition and considering the materials on record, it came to a categorical finding that the basic ingredients of the offences under Sections 303(2) and 351(2) of the BNS, as well as the offence of criminal conspiracy under Sections 61(2) read with 3(5) of the BNS, 2023, were not made out.

8-A. The learned Court further negated the contention of the Complainant that the deployment of police force, on due requisition, can be termed as an unlawful assembly and, accordingly, held that no offence under Sections 191 and 192 of the BNS was



made out, while also finding no material to substantiate the alleged offence under Section 201 of the BNS.

9. Learned counsel for the Petitioner, Mr. Chand, submits that the learned Court in seisin misdirected itself in coming to a conclusion that the acts were committed in the discharge of public functions and, therefore, the impugned order warrants interference.

10. In the light of the discussions made above, upon perusal of the materials on record, including the complaint petition annexed to the revision petition and Letter No. 4577 dated 10.09.2025, being the requisition of the Tahasildar referred to in the impugned order, this Court does not find any infirmity in the order impugned so as to warrant interference in exercise of its revisional jurisdiction.

11. Accordingly, the CRLREV stands disposed of.

**(V. Narasingh)
Judge**

Signature Not Verified

Digitally Signed
Signed by: SOUMYA RANJAN SAMAL
Reason: Authentication
Location: High Court of Orissa
Date: 21-Sep-2026 19:34:29
Orissa High Court, Cuttack,
Dated the 19th September, 2026/Soumya
21.09.2026/Loaded