



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2346 of 2026

CNR No. ODHC010545842026

Priyabrata Tripathy

.....

Petitioner

Represented by Adv. -
Subrat Panda

-versus-

***Pankaj Kumar Majhia, Deputy
S.P.-in-Charge, IIC Motanga,
Dhenkanal & Ors.***

.....

Opp. Parties

Represented by Adv. –
M/s.Suvashish Pattanaik
(for O.P. No.1)
M/s.Sarada Prasanna
Sarangi, P.K. Dash, A.K.
Kanungo, A.Sarangi (for
O.P. Nos.2 to 4)

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

01.09.2026

Order No.

02.

1. This matter is taken up through Hybrid Mode.
2. Mr.Suvashish Pattanaik, learned counsel and his associates enter appearance on behalf of the Opposite Party No.1 by filing a vakalatnama in Court today and the same be kept on record.
3. Heard learned counsel appearing for the Petitioner as well as learned counsel appearing for the Opposite Party Nos.2 to 4 and learned counsel appearing for the Opposite Party No.1. Perused the application filed under section 528 of the BNSS as well as the



prayer made therein.

4. By filing the present application, the complainant in 1CC case No.08 of 2025 which was dismissed by the learned JMFC (Cog. Taking), Dhenkanal and thereby refusing to take cognizance of the offence under section 303(2), 3(5) of the BNS, 2023 has approached this court thereby challenging the order dated 06.02.2026 passed by the learned trial court dismissing the complaint.

5. Learned counsel for the Opposite Party Nos.2 to 4, on the other hand, objected to the maintainability of the present application at the instance of the complainant. He further submitted that order dismissing the complaint is a revisable order. However, the Petitioner has approached this court by filing the present application under section 528 of the BNSS. In the aforesaid context, learned counsel for the Opposite Party Nos.2 to 4 referred to Section 438 of BNSS, 2023. He further submitted that the order dated 06.02.2026 is a revisable order.

6. Learned counsel for the Petitioner, at this juncture, sought for liberty to withdraw the present application to approach the learned Revisional Court by filing a revision petition.

7. Considering such submissions, the present application is permitted to be withdrawn with liberty to the Petitioner to approach the Revisional Court within four weeks from today by filing a properly constituted revision petition along with an application for condonation of delay, if any. In the event, any such application is filed for condonation of delay, the same shall be considered liberally taking into consideration the fact that the Petitioner under



a wrong impression had approached this Court by filing the present application under section 528 of the BNSS.

8. Certified copy of the impugned order which has been filed by the Petitioner be returned to the Petitioner by substituted the same with an attested xerox copy thereof.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified

Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa
Date: 03-Sep-2026 11:36:28

