

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.164 of 2023

Banaja Panda Petitioner

In Person

-versus-

State of Odisha Opp. Party

Mr. Ch. S. Mishra,
Additional Government Advocate.

CORAM:
DR. JUSTICE S.K. PANIGRAHI

ORDER

16.03.2023

Order No.

- 07.
1. This matter is taken up through Hybrid Arrangement.
 2. Heard the petitioner, who appears in person and learned counsel for the State.
 3. Pursuant to order dated 14.03.2023, the Superintendent of Police, Malkangiri appears before this Court today through Virtual Mode.
 4. Learned counsel for the petitioner submits that the petitioner has filed I.C.C. Case No.05 of 2021 in the court of the learned S.D.J.M., Malkangiri on 27.01.2021 under Sections 506/ 204/ 203/ 202/ 201/ 196/ 193/ 192/ 119/ 115/ 107/ 120-B/ 34 of the I.P.C. against the following police officers:
 - I. Mr. Rishikesh Dnyandeo Khilari, IPS, former Superintendent of Police, Malkangir,
 - II. Mr. Ram Prasad Nag, IIC, Malkangiri Police Station,

- III. Mr. Soumya Sekhar Tripathy, Ex-Inspector, DIB of Malkangiri,
- IV. Mr. Padhy, Constable of Malkangiri Police Station (full name not known),
- V. Mr. Kumar Munna, Policeman of Malkangiri, and
- VI. Mr. Ramakanta Pradhan, Policeman of Malkangiri.

She further submits that the then Collector, Malkangiri along with three other persons had committed murder of the husband of the petitioner on 27.12.2019 inside the residence office of the Collector, Malkangiri against which the cognizance had already been taken by the learned S.D.J.M., Malkangiri. He also submits that the above police officers were in criminal complicity with the said Collector and three others in the disposal of the dead body of her husband by throwing it into the deep water of Satiguda Dam and causing large scale destruction of evidences and proofs to help the Collector and his cohorts. The learned S.D.J.M. after recording the statements of the petitioner and witnesses under Section 200, Cr.P.C., has passed the order on 25.02.2021 for obtaining required sanction from the Government or competent authority under Section 197, Cr.P.C. to take cognizance by the court for further proceeding.

5. However, the I.G. of Police, CID, Crime Branch, Cuttack has recommended not to accord sanction of

prosecution under Section 197, Cr.P.C. against the said police officers. The Department has already rejected the sanction. It is further directed that the Superintendent of Police, Malkangiri shall ensure that there should be no coercion or any kind of threat on behalf of the police officers or anybody should not cause harm to the petitioner and her family members.

6. Since the Department has already rejected the representation of the petitioner seeking the sanction to prosecute the aforesaid police officers, this Court grants liberty to the petitioner to pursue her remedy before the appropriate Court.

7. The CRLMP is, accordingly, disposed of.

8. Personal appearance of the Superintendent of Police, Malkangiri is dispensed with.

9. Issue urgent certified copy of this order as per rules.

(Dr. S.K. Panigrahi)
Judge

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