

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(CRL) No.119 of 2022**

***Smt. Banaja Panda***

.....

***Appellant***

*Ms. Banaja Panda (In Person)*

Versus

***State of Odisha***

.....

***Respondent***

*Mr. J. Katikia, AGA*

**CORAM:**

**JUSTICE S. TALAPATRA  
JUSTICE SAVITRI RATHO**

**ORDER  
14.11.2022**

**Order No.**  
03.

1. This matter is taken up through Hybrid Mode.
2. Mr. J. Katikia, learned Additional Government Advocate appears for the State.
3. A copy of the final report, as submitted by the Police in the court of the Sub-Divisional Judicial Magistrate, Malkanagiri, in reference to the Malkanagiri Police Station (CID Crime Branch) Case No. 01 of 2021 has been produced under the sealed cover.
4. The petitioner has urged this Court by means of this writ petition, for directing an investigation by the Central Bureau of Investigation (CBI), a Police organization established under the Delhi Special Police Establishment Act into the said police case relating to the murder of Deba Narayana Panda, husband of the petitioner. The reason is obvious. The petitioner has lost faith in the police investigation. During the pendency of this writ petition, the final police report has been submitted in the designated court on 10<sup>th</sup>

November, 2022 by terminating the investigation. It would be appropriate to note that the Malkanagiri Police Station Case No. 401 of 2020 was registered under Section 302/506/201/204-B/34 of the I.P.C. In the report, the Police has recorded that it has been revealed from the investigation that the deceased, Deba Narayan Panda, was upset for some matters relating to his service and he had committed suicide by jumping into the water from the Satiguda Dam. The investigation report further reveals that there is no evidence indicating foul play in respect of death of the deceased. The persons who have been suspected and named as the accused in the first information report (F.I.R.) are given clean-chit for not having complicity. Hence, the final form has been submitted for acceptance.

5. Mr. J. Katikia, learned Additional Government Advocate has informed us that the final report has not been accepted as yet by the Sub-Divisional Judicial Magistrate, Malkanagiri, the designated court.

6. Ms. Banaja Panda, the petitioner who has appeared in person, has submitted that the said police report cannot be accepted, as the Police has done what was apprehended of, by the petitioner and her family. They have suppressed the material evidence.

7. In such circumstances, we are of the view that the copy of the final form, as submitted before us in a sealed cover, be supplied to the petitioner in the course of the day by the Registry. For that purpose, we are placing our copy in the record.

8. The petitioner is at liberty to raise the protest against the said final police report in the court of the Sub-Divisional Judicial Magistrate, Malkanagiri even without receiving any notice from the said court. Necessity of notice is thus waived by us, as the petitioner has gathered substantive knowledge of the said police report and a copy of the police report is being supplied to her. The petitioner may file the protest petition directly to that court by laying down the grounds of objection against the said police report.

9. The petitioner has urged us to wield the jurisdiction for directing further or fresh investigation on appreciation of the said Police report, but we have declined such prayer as efficacious and alternative remedy is available to the petitioner.

10. In terms of the above, this writ petition stands disposed of.

11. Urgent certified copy of this order be granted on proper application.

(S. Talapatra)  
Judge

(Savitri Ratho)  
Judge

*puspa*