IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No. 384 of 2026

Bijay Moharana …. **Petitioner**

Mr. Suraj Mohanty, Advocate

-versus-

1. **State of Odisha**
2. **The Commissioner of Police, Bhubaneswar**
3. **Deputy Commissioner of Police, Bhubaneswar**
4. **Inspector in-charge, Mancheswar Police Station**
5. **Amapurna Roul**
6. **Balaram Roul** …. **Opposite Parties**

Mr. Amitabh Pradhan,
Additional Standing Counsel

CORAM:
THE HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER
07.04.2026

Order No.
02. (Through hybrid mode)

1. On 26.03.2026, this Court had directed the learned Additional Standing Counsel to produce a copy of the case diary and it had also been observed as follows:

> *"4. Mr. Amitabh Pradhan, learned Additional Standing Counsel produces the instructions 23.03.2026 of the IIC. Mancheswar P.S. who has stated that the case is being investigated into by S.I. Kanhu Charan Barik and during investigation, the complainant and witnesses have been examined and their statements recorded under Section 180 of BNSS and one Motor cycle, Royal Enfield Bullet Classic bearing Registration No. OD-02-AA-5541 has been seized and left in zima of the complainant. The said instructions are taken on record. It shall be scanned and incorporated in the digital record.*

5. List this matter on 07.04.2026 along with I.A. for amendment if any filed in the meanwhile.

6. Mr. Amitabh Pradhan, learned Additional Standing Counsel shall produce a copy of the case diary on the next date.

7. On perusal of the case diary, if this Court finds that the statements of witnesses especially that of the Petitioner have been recorded under Section 180 of BNSS, the Court may consider dismissing the CRLMP along with cost for making baseless allegations."

2. When the matter is taken up, Mr. Amitabh Pradhan, learned Additional Standing Counsel submits that the case diary has not been received.

3. It is common knowledge that Mancheswar Police Station is less than one hour away from this High Court. It is therefore unfortunate that even though two weeks have elapsed in the meanwhile, the case diary has not been produced. From this, the Court can assume that the case diary has not been prepared.

4. Mr. S. Mohanty, learned counsel for the Petitioner files memo and submits that on account of "non-submission of real facts and typographical mistake" the Petitioner wants to withdraw the CRLMP and the Petitioner may be granted liberty to file a better application. The memo is taken on record.

5. As case diary has not been received, in view of the memo, the CRLMP is dismissed as withdrawn granting liberty to the Petitioner to file a better application within a period of two weeks from today.

Signature Not Verified
Digitally Signed
Signed by: RANJAN KUMAR SETHI
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 10-Apr-2026 12:59:05

(Savitri Ratho)
Judge