IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.1928 of 2026
CNR No. ODHC010441502026

Binayak Prasad Mohanty **.....** ***Petitioner***

Represented by Adv. - Santanu Kumar Sarangi (sr. Adv.) Jeevanjyoti Mohanty,

-versus-

State Of Odisha & Others **.....** ***Opp. Parties***

Represented by Adv. – J. Nayak, AGA L. Moharana, for O.P. No.3

CORAM:
THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

ORDER
05.11.2026

Order No.

05. 1. The petitioner is aggrieved by the order dated 16.03.2026 passed by the learned Executive Magistrate, Satyabadi, in Criminal Misc. Case No.21 of 2026 initiated under Section 126 of the Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.), whereby a non-bailable warrant (N.B.W.) has been issued against him.

2. Mr. Sarangi, learned Senior Counsel appearing for the petitioner has advanced extensive arguments on the merits of the matter and prayed for quashing of the entire proceeding initiated against the petitioner in Criminal Misc. Case No.21 of 2026.

3. Mr. Sarangi, learned Senior Counsel further submits that the petitioner is a practising Advocate and is presently suffering from cancer. He further submits that, in view of the petitioner's serious health condition, it would cause considerable hardship to him to undergo the rigors of the proceeding, particularly when, according to him, the case has been falsely instituted against him.

4. This Court is not inclined to examine the merits of the case at this stage. However, the prayer for setting aside the order issuing the N.B.W. against the petitioner is considered favourably.

5. Having regard to the aforesaid submissions and the health condition of the petitioner, this Court is inclined to set aside the order dated 16.03.2026 passed by the learned Executive Magistrate, Satyabadi, in Criminal Misc. Case No.21 of 2026, whereby the non-bailable warrant was issued against the petitioner, subject to the petitioner appearing before the learned Executive Magistrate and raising all such grounds as have been urged in the present petition.

6. Accordingly, the order dated 16.03.2026 passed by the learned Executive Magistrate, Satyabadi, in Criminal Misc. Case No.21 of 2026, issuing the non-bailable warrant against the petitioner, is hereby set aside.

7. The petitioner shall appear before the learned Executive Magistrate, Satyabadi and file an appropriate application raising all the grounds urged in the present petition and seeking dropping of the proceeding. In the

event such an application is filed, the learned Executive Magistrate shall consider the same on its own merits and in accordance with law.

8. Having regard to the petitioner's health condition, he is at liberty to engage an Advocate to appear and represent him before the learned Executive Magistrate. He also must file the medical documents for the just satisfaction of the Learned court below.

9. The CRLMC is accordingly disposed of.

(S.S. Mishra)
Judge

Rati Ranjan

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Signed by: RATI RANJAN NAYAK
Reason: Authentication
Location: OHC
Date: 06-Nov-2026 17:47:28