IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMP No.1436 of 2026
CNR No. ODHC010673042026

Birendra Kishore Nayak **.....** ***Petitioner***

Represented by Adv. -
Bijaya Kumar Ragada

-versus-

State Of Odisha **.....** ***Opposite Parties***

Represented by Adv. –
R.B. Dash, ASC

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

ORDER

Order No. **04.11.2026**

03. 1. Heard.

2. The petitioner by invoking the jurisdiction of this Court under Articles 226 and 227 of the Constitution of India is seeking the following reliefs:-

> *"It is therefore most humbly prayed that this Hon'ble Court may graciously be pleased to direct the Opposite Party Police Authorities to investigate the case properly , particularly Opposite Party Nos.3 to 6, to take immediate and effective steps in accordance with law pursuant to Khandagiri P.S. FIR No.764 dated 03.08.2026, including taking immediate steps for removal/deletion of all defamatory, derogatory, scandalous and objectionable posts, videos and other materials published or circulated by Opposite Party No.7 through his Facebook account, YouTube channel and any other social media or electronic platform, and further to ensure that Opposite Party No.7 does not publish, upload, circulate or disseminate any further defamatory, derogatory, scandalous or objectionable post, video, message or other material against the Petitioner, the Institution, its authorities or employees through Facebook, YouTube, WhatsApp or any other social media/electronic platform and further direct*

the concerned/authorised officers of Opposite party No 8 and 9 to forthwith remove/delete all the defamatory , derogatory , scandalous and objectionable posts, videos and other materials published or circulated by Opposite Party No.7 through his Facebook account and YouTube and to take all necessary and appropriate action in accordance with law against the said account/channel and the offending contents, so as to prevent their further publication and circulation."

3. When the matter was taken up on 30.09.2026, this Court directed the learned State Counsel to obtain necessary instructions. Pursuant thereto, on 12.10.2026, the learned State Counsel placed on record a report dated 10.10.2026 submitted by the I.I.C., Khandagiri Police Station, *inter alia*, stating as follows:-

> *"The allegation regarding a fresh defamatory, derogatory publication after registration of the FIR, it is submitted that the said allegation requires verification of the relevant URLs, dates, screenshots, source accounts and other electronic materials. However, no specific complaint or information regarding such fresh publication has been brought to the notice of the police by the petitioner, as per the records present available. In the event that any such material or specific information is brought to the notice of the police, the same shall be examined and appropriate action shall be taken in accordance with law."*

4. Mr. Ragada, learned counsel for the petitioner submits that, pursuant to the aforesaid report, the petitioner has furnished certain information and documents to the Investigating Officer on 14.10.2026. He further submits that the Investigating Officer may be directed to take the said information and documents into consideration while in the investigation report and submit the final report under Section 173 Cr.P.C.(corresponding to 193 BNS).

5. The petitioner may furnish any further relevant information and documents, if so required, before the

concerned Investigating Officer. The Investigating Officer shall duly consider the information and documents already furnished by the petitioner, as well as any further materials that may be furnished and deal with the same in accordance with law while completing the investigation and submitting the final report. It is made clear that this Court is not expressed any opinion in the merit of the case.

It is also open for the petitioner to approach the I.O for deletion of the incriminating materials appearing in Goggle, Facebook, Youtube, whatsApp, twitter and other social medias. The Investigating Officer shall examine such request and take appropriate steps in accordance with law.

6. With the aforesaid observations and directions, the writ petition is disposed of.

(S.S. Mishra)
Judge

Rati Ranjan

Signature Not Verified
Digitally Signed
Signed by: RATI RANJAN NAYAK
Reason: Authentication
Location: OHC
Date: 05-Nov-2026 21:07:58