IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV NO.670 of 2026
CNR NO. ODHC010691522026

(In the matter of application under Section 438 read with Sec.442 of BNSS).

Babu Samal @ Deepak Samal … ***Petitioner***

-versus-

State of Orissa … ***Opposite Party***

For Petitioner : ***Mr. B.Nayak, Advocate***

For Opposite Party : ***Mr.P.K.Mohanty, Addl. PP***

CORAM: JUSTICE G. SATAPATHY

DATE OF HEARING & JUDGMENT:31.10.2026(ORAL)

G. Satapathy, J.

1. The instant revision is directed against the impugned order dated 20.08.2026 passed by the learned Adhoc Addl. Sessions Judge, FTSC, Kendrapara in GR Case No. 47 of 2026 framing charge against the accused-petitioner for commission of offence punishable U/Ss. 137(2)/64(2)(m)/65(1)/87 of BNS read with Sec. 6 of POCSO Act.

2. Heard Balaram Nayak, learned counsel for the revision-petitioner and Mr.Prem Kumar Mohanty, learned Addl. PP. in the matter and perused the record.

3. What is more important is that the provision under BNSS albeit provides for filing an application for discharge, but the revision-petitioner herein has not filed any formal discharge application, however, the same may not be ground to dismiss the revision instantaneously, but the same definitely has some impact in considering the challenge of the revision-petitioner. Undoubtedly, the revision-petitioner relies upon the statement of the victim recorded U/S. 183 of BNSS to suggest that the no offence U/S. 64 of BNS & Sec. 6 of POCSO Act is made out against the petitioner, however, while framing charge or discharging the accused, the record as a whole is to be considered, but not merely on the basis of the statement of victim recorded U/S. 183 of BNSS in isolation of record inasmuch as the provision for discharge itself starts with the sentence; if, "upon consideration of record of the case and documents submitted therewith", which itself indicative of that the Court has to consider the record and while framing charge, the Court should not consider one single document in isolation of the record". Be that as it may, Sec. 29 of POCSO Act provides presumption for commission of offence by the accused under the said Act

and at the same time, the provision of charge makes it very clear that once a Court presume that the accused to have committed an offence, it is perfectly justified to frame charge and, therefore, the submission of charge sheet itself indicative of presuming of accused committing offence under POCSO Act in view of the presumption as available U/S. 29 of POCSO Act.

4. In the aforesaid facts and circumstance and on consideration of materials placed on record and taking into account the provision of law, more particularly Sec.29 of POCSO Act read with Sec. 250 & 251 of BNSS, this Court does not find any merit in this revision application.

5. In the result, the criminal revision stands dismissed.

(G. Satapathy)
Judge

Orissa High Court, Cuttack,
Dated the 31st day of October, 2026/Kishore

Signature Not Verified
Digitally Signed
Signed by: KISHORE KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa
Date: 31-Oct-2026 16:59:49