IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3828 of 2026

CNR No. ODHC010794032026

R. Narayan Pradhan .... ***Petitioner(s)***

Mr. Sidhartha Sankar Ray (2), Advocate

-versus-

State of Odisha .... ***Opposite Party(s)***

Mr. Raj Bhusan Dash, ASC

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER

11.11.2026

Order No.

01. **1.** Heard.

2. In the present petition, the petitioner is aggrieved by the order dated 13.07.2026 passed by the learned 2nd Additional Sessions Judge, Berhampur in S.T. Case No.157 of 2026 corresponding to G.R. Case No.2215 of 2025 arising out of B.N.Pur P.S. Case No.420 of 2025, whereby charges under Section 69/296/351(3) of B.N.S. has been framed against him.

3. Mr. Ray, learned counsel for the petitioner, submits that the petitioner was not heard at the time of framing of charges, although the order records that *"Heard the learned advocate for both the sides."* In this regard, he has made a specific averment in paragraph-5 of the petition, which reads as under:-

> "That it is humbly submitted here that on dt. 13.07.2026 the case was listed before the learned 2nd Addl. Sessions Judge, Berhampur for framing of Charge and when the counsel for the petitioner filed a discharge petition u/s. 250 of

BNSS, it was not accepted by the learned trial court and has framed charge on the same day against the petitioner for the alleged commission of offence u/s. 69/296/351(3) of BNS without giving sufficient opportunity to the petitioner."

4. Learned counsel for the petitioner, drawing the attention of this Court to the provisions under Section 251(1)(b) of the B.N.S.S., 2023, submits that the charge ought to have been framed within sixty days from the date of the first hearing on charge. However, the learned trial Court, in a hurried manner, without considering the petitioner's application seeking discharge and even without affording him an opportunity of hearing, has framed the charge.

5. I have perused the materials placed on record and the relevant provisions of the B.N.S.S. I am satisfied that the learned trial Court ought to have afforded an opportunity of hearing to the petitioner and considered the application filed by him under Section 250 of the B.N.S.S. before passing the impugned order. Hence, the impugned order dated 13.07.2026 passed by the learned 2nd Additional Sessions Judge, Berhampur, in S.T. Case No. 157 of 2026 is set aside, and the matter is remanded to the learned trial Court with a direction to consider the petitioner's application under Section 250 of the B.N.S.S. and, after affording an opportunity of hearing to the parties, proceed with the matter in accordance with law for framing of charge.

6. With this observation, the CRLMC is disposed of.

(S.S. Mishra)
Judge

Swarna

Signature Not Verified
Digitally Signed
Signed by: SWARNAPRAVA DASH
Reason: Authentication
Location: High Court of Orissa
Date: 16-Nov-2026 20:15:05