IN THE HON'BLE HIGH COURT OF ORISSA, CUTTACK

W.P.CRL) No. of 2022

In the matter of: Code No.

An application Under Articles 226 and 227 of the Constitution of India and Section 482 of the Code of Criminal Procedure;

AND

In the matter of:

Habeaus Corpus;

AND

In the matter of:

An application challenging the order date 15.01.2022 passed by the JMFC, Erasama in the G.R. Case No.34/2022 corresponding to Abhayachandpur P.S. Case No. 21/2022;

AND

In the matter of:

Smt. Basanta Swain, Aged about 72 years,
W/O- Pitambar Swain At Vill/PO- Dhinkia,
P.S.-Abhayachandpur, Dist- Jagatsinghpur ……..**Petitioner**

-Versus-

1. State of Odisha represented through its Commissioner-cum-Secretary to Govt., Department of Home
At-Secretariat Building, P.O. - Bhubaneswar, Dist- Khurda
2. Director General of Police(DGP), Odisha,Cuttack
At- Cantonment Road, P.O.- Buxi Bazar, Dist- Cuttack
3. Superintendent of Police (S.P.),Jagatsinghpur

At/P.O./P.S.- Jagatsinghpur, Dist- Jagatsinghpur

4. Inspector-in-Charge(IIC), Abhayachandpur

Police Station, At/P.O-Abhayachandpur ,Dist- Jagatsinghpur

5. Collector& District Magistrate, Jagatsinghpur

At/P.O./P.S.- Jagatsinghpur, Dist- Jagatsinghpur ….. **Opp.Parties**

The matter out of which this writ application arises was never before this Hon'ble Court in present form.

To

The Hon'ble Chief Justice of High Court of Orissa and His Lordship's Companion Justices of the said Hon'ble Court.

The humble petition of the petitioner above- named

MOST RESPECTFULLY SHEWETH:

1. That the petitioner is compelled to approach this Hon'ble Court invoking Articles 226 and 227 of the Constitution of India read with the Section 482 of the Code of Criminal Procedure seeking, inter alia, an order declaring the arrest of the victims/detenues illegal, setting aside the detention order dated 15.01.2022 passed by the J.M.F.C., Erasama in G.R. Case No. 34 of 2022 corresponding to P.S. Case No. 21/2022, and issuance of a writ in the nature of habeas corpus for production of the victims/detenues, namely 1) Debendra Swain aged about 46 years S/O Pitambar Swain, 2) Nimain Mallick aged about 40 years S/O Mandar Mallick, 3) Nanguli Kandi aged about 55 years S/O Bipin Kandi, 4) Tirtha Mallick aged about 37 years S/O Bharat Mallick, 5) Muralidhara Sahu aged about 63 years S/O Mayadhara Sahu, (all are residents of Village- Dhinkia P.S.- Abhayachandpur Dist-

Jagatsinghpur) and 6) Narendra Mohanty aged about 56 years S/O Late Krushna Chandra Mohanty of Vill- Padampur Dist- Cuttack before this Hon'ble Court to be released forthwith along with other directions.

2. That the petitioner is a citizen of India and the cause of action for filing this writ application arises within the jurisdiction of this Hon'ble Court. The petitioner is the mother of one of the victims/detenues Debendra Swain and the next friend of all other victims/detenues.

All the victims/detenues are residents of Odisha and are active members of the organization for anti-displacement movement named as Jindal Pratirodh Bheetamati Suraksha Samiti. Apart from that, the detenue Debendra Swain is a former member of the local Panchayati Raj institution and the detenu Narendra Mohanty is a socio-political activist active in promotion of human rights.

3. That the brief background leading up to the filing of the present petition is as follows:

a. The people of Dhinkia Village within the jurisdiction of the Abhayachandpur Police Station in the district of Jagatsingpur have been protesting against their forced eviction by the Govt. of Odisha since 2005 for setting up of a Steel Plant by the South Korean company, POSCO. The people of 8 villages in this area are predominantly dependent on beetel vine and cashew nuts cultivation for their livelihood. These vineyards sustain around 20,000 people in the Gram Panchayats of Dhinkia, Nuagaon and Gadkujang.

b. After withdrawal of POSCO, JSW Utkal Steel Limited proposed to set up in the same locality a Rs. 65,000 crore 13.2 MTPA integrated steel plant comprising a 900 MW captive power plant and a 10MTPA Cement grinding and mixing unit for which IDCO has acquired 2700 acres of land without following the due procedure of law and the mandates of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

c. The Jindal Pratirodh Bheetamati Surakha Samiti (formerly POSCO pratirodh Sangram Samiti) has been at the forefront of the fight for the existence of the people of this area. Since 2006, many atrocities have been inflicted upon the villagers through false and frivolous cases. Between 2006 and 2012, as many as 230 false cases were foisted on over 1500 residents of the affected area. For better perusal of the issues, investigation undertaken by alternative law forum in 2013 and the fact finding report by the Civil Society Forum on Human Rights (CSFHR) et.al. dated 18.12.2021 are filed herewith as **ANNEXURE-1** and **ANNEXURE-2** respectively.

d. While the people of the locality were staging peaceful demonstration, on 14.01.2022, the police used force on the peaceful protestors without following the procedure envisaged under the Sections 129 and 130 of the Code of Criminal Procedure and detained many people

including children and women. A plain paper F.I.R. 21/2022 was drawn up by the Inspector-in-charge, Abhayachandpur P.S. against the victim-detenues, who are popular local leaders of Dhinkia along with more than 500 other persons with an intention to deprive them of their life and liberty by invoking some rigorous provisions of IPC . Another F.I.R. bearing Abhaychandpur P.S. Case No. 18/2022 was also lodged before the local police. A copy of the said F.I.R.s are filled herewith as **ANNEXURE-3 Series.**

4. That six victims were arrested by the local police and were subsequently forwarded to be produced before the J.M.F.C, Erasama, The learned J.M.F.C., Erasama by its order dated 15.01.2022 remanded them to judicial custody. The said impugned order of the learned JMFC, Erasama prima-facie reveals that he has not applied his judicial mind to decide whether the basic ingredients of offences under Section 307 IPC or any other alleged offences is made out on the bare perusal of the F.I.R. and the materials produced by the IO before the JMFC.

The order also doesn't reveal whether the learned magistrate, before being satisfied for authorizing detention of the victims, had perused the entries in the case diary and applied his judicial mind as contemplated under Section 167(2) of CrPC; which makes the said order wholly illegal and passed in absolutely mechanical manner. The remand order for detention dated 15.01.2022 passed by the learned J.M.F.C., Erasama is filed herewith as **ANNEXURE-4.**

5. That the issue of whether writ of habeas corpus lies against a judicial order of detention is no more *res integra*. The Hon'ble Supreme court in **Goutam Pratap Navlakha v. National Investigation Agency 2021(7) Scale 379**, reiterating the views taken by it in **Col Dr. B. Ramachandra Rao v. State of Orissa AIR 1971 SC 2197, Kanu Sanyal District Magistrate, Darjeeling AIR 1974 SC 510, Manubhai Ratilal Patel v. State of Gujarat (2013) 1 SCC 314** and **Serious Fraud Investigation Office v. Rahul Modi (2019) 5 SCC 266**, stated that:

> "If the remand is absolutely illegal or the remand is afflicted with the vice of lack of jurisdiction, a Habeas Corpus petition would indeed lie. Equally, if and order of remand is passed in an absolutely mechanical manner, the person affected can seek the remedy of Habeas Corpus Barring such situations, a Habeas Corpus petition will not lie."

6. That the Article 21 of the Constitution of India reads as under:

> "21. Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law."

The Article 22 (1) and (2) of the Constitution of India read as under:

> "Article 22: Protection against arrest and detention in certain cases. –
> (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.
> (2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be

> detained in custody beyond the said period without the authority of a magistrate."

The Article 22(1) of the constitution of India, which was interpreted by the Supreme Court of India in **D.K. Basu v. State of West Bengal (1997) 2 SCC 416**, mandates that any person arrested has to be informed, as soon as may be, of the grounds of such arrest. Section 50(1) of the criminal procedure code, 1973 also provides for the forthwith communication of full particulars of the offence for which the accused is arrested or other grounds for such arrest when he is arrested without warrant.

The JMFC, Erasama should have enquired whether such communication had taken place as it is of mandatory nature. No such task was undertaken by the learned JMFC to ask the victims whether they were informed of the grounds of their arrest, as evident from the impugned order. The order of the JMFC, Erasama is violative of the guidelines prescribed by the Apex Court in **Joginder Kumar v State of U.P. 1994 SCC (4) 260**. None of the relatives or friends of the arrested persons were informed about their arrest. The IO also didn't inform the arrested persons about their rights that any of their friends, relations or any other person who is likely to take interest in their welfare should be informed of their arrest. The learned Magistrate also did not make any effort to satisfy himself of whether any of the directions which flow from Articles 21 and 22 of the Constitution of India and other statutory provisions had been followed by the IO. In this case, the order of the JMFC is no better than executive detention.

7. That the impugned order of the JMFC, Erasama reflects no such scrutiny as to the fulfilment of the mandatory requirements of

preparation of memorandum of arrest, its attestation by one witness counter signed by the arrested persons mandated by the Section 41B of the Code of Criminal Procedure and the D.K. Basu guidelines by the police. The victims were not allowed legal assistance during police interrogation as provided under Section 41D of the Code of Criminal Procedure. It is evident from the impugned order that the JMFC, Erasama had not enquired about the compliance of such mandatory provisions mentioned above. The JMFC, Erasama also seems to have overlooked his duty u/s 50A (4) of the Code of Criminal Procedure to satisfy himself of the compliance of the 50A (2) & 50A (3) of the Criminal Procedure Code by the police, which in turn violates the Articles 21 and 22 of the Constitution of India.

8. That the section 55A of the code of criminal procedure reads as follows:

> "It shall be the duty of the person having the custody of an accused to take reasonable care of the health and safety of the accused."

The allegations made by the victims Debendra Swain and Tirtha Mallick and the observation in that regard by the JMFC in the impugned order show that the police had resorted to torture when the victims were in police custody instead of taking reasonable care of the health and safety. No enquiry or medical evaluation was initiated in that regard. The police had also abused the other victim-detenues with filthy language and threatened to kill them and their families.

Even when the arrest and custody are legal, the custodial torture is illegal as the protection of life with dignity and liberty guaranteed by the Article 21 of the Constitution of India is non-negotiable and cannot

be sub-ordinated to the whims of the government. But in this case, as the evidently unlawful arrest and subsequent custodial torture of the arrestee render the order of remand for detention wholly illegal, a court monitored probe into the allegation of custodial torture in this case ought to be initiated.

9.That in the case of **Chaganti Satyanarayan and others v. State of Andhra Pradesh (1986) 3 SCC 141**the Hon'ble Supreme Court of India has held that the mandate of Sub-Section (1) of Section 167 of CrPC, which governs what a police officer should do when a person is arrested and detained is custody and it appears that the investigation cannot be completed within the period of 24 hours fixed by Section 57 CrPC, is mandatory. As per the provisions of the above said section, the police should have transmitted a copy of the case diary relating to the current case to the concerned JMFC, Erasama. But from a bare perusal of the impugned order shows the unavailability of the case diary or the deliberate avoidance of the same by the JMFC. The production and scrutiny of the case diary is a mandatory requirement during this stage as it facilitates the application of mind by the magistrate. Evidently, as jurist Gautam Bhatia puts it, the JMFC Erasama just acted as a "postage stamp" evading his duty as the "first line of defence".

10. That it is apparent from the particulars of the impugned order that the JMFC, Erasama had not gone through the case diary, arrest memo or any other relevant documents which are crucial to the determination of question of detention under Section 167 of the CrPC. The non-application of mind by the JMFC is apparent from the reiteration of the allegations made in the F.I.R in the impugned order ignoring all other

mandatory requirements of the CrPC. The learned JMFC has not thought it necessary to follow the mandatory requirements of due process law while depriving a man of his constitutional right to liberty. The mandatory relevant provision of Section 41 CrPC states that:

> "Section 41: (1) any police officers may arrest without an order from a Magistrate and without a warrant, arrest any person.
>
> …..
>
> ba) against whom credible information has been received that he has committed a cognizable offence punishable with imprisonment for a term which may extend to more than seven years whether with or without fine or with death sentence and the police officer has reason to believe on the basis of that information that such person has committed the said offence."

As per the ruling of the Hon'ble Supreme Court in **Joginder Kumar vs State Of U.P. 1994 SCC (4) 260**:

> "No arrest can be made because it is lawful for the police officer to do so. The existence of the power to arrest is one thing. The justification for the exercise of it is quite another. The police officer must be able to justify the arrest apart from his power to do so. Arrest and detention in police lock-up of a person can cause incalculable harm to the reputation and self-esteem of a person. No arrest can be made in a routine manner on a mere allegation of commission of an offence made against a person. It would be prudent for a police officer in the interest of protection of the constitutional rights of a citizen and perhaps in his own interest that no arrest should be made without a reasonable satisfaction reached after some investigation as to the genuineness and bona fides of a complaint and a reasonable belief both as to the person's complicity and even so as to the need to effect arrest. Denying a person of his liberty is a serious matter. The recommendations of the Police Commission merely reflect the constitutional concomitants of the fundamental right to personal liberty

> and freedom. A person is not liable to arrest merely on the suspicion of complicity in an offence. There must be some reasonable justification in the opinion of the officer effecting the arrest that such arrest is necessary and justified."

Without examining whether police had exercised its discretion reasonably, the JMFC in an absolutely mechanical manner directed for detention without applying his judicial mind. As per paras 102 and 103 of **Gautam Pratap Navlakaha v. National Investigation Agency judgment dated 21.06.2021 of the Hon'ble Supreme Court in Cri. Appeal No.51/2021**, the magistrate is duty-bound to release the accused if Sec 41 of CrPC has not been followed. In **Manubhai Ratilal Patel v. State of Gujarat (2013) 1 SCC 314**, the Apex Court ruled:

> "The purpose to remand as postulated under section 167 is that investigation cannot be completed within 24 hours. It enables the Magistrate to see that the remand is really necessary. This requires the investigating agency to send the case diary along with the remand report so that the Magistrate can appreciate the factual scenario and apply his mind whether there is a warrant for police remand or justification for judicial remand or there is no need for any remand at all. It is obligatory on the part of the Magistrate to apply his mind and not to pass an order of remand automatically or in a mechanical manner."

As evident from the above decision and the statutory provisions, the JMFC, Erasama should have satisfied himself that the investigating officer had received "credible information" that the persons arrested has committed a cognizable offence punishable with an imprisonment for a term exceeding seven years. Relying on the above judgement of the Hon'ble Apex Court, the Hon'ble Delhi High Court in its order dated 01.10.2018 in **Gautam Navlakaha v. State of (NCT of Delhi) and others W.P. (CRL) 2559/2011** held as under:

> "While it is true that at this stage the Magistrate examining the transit remand application is not required to go into the adequacy of the material, he should nevertheless satisfy himself about the existence of the material."

No such task seems to have been undertaken by the JMFC, Erasama to assess the existence of such material, more so when the complainant in the F.I.R is the police itself. There is no mention of any scrutiny of the case diary by the JMFC. Even if the case diary was produced for the perusal of the Magistrate, no importance or attention seems to have given to it as the impugned order does not indicate the same. This reveals the non-application of mind by the JMFC, Erasama who remanded the victims only on the basis of the F.I.R. No steps were taken to asses if the suspicion of the investigating officer was "reasonable" one. The learned JMFC failed to evaluate whether there existed reasonable grounds to commit the victims to jail custody. As it is a judicial act, the non-speaking impugned order of the JMFC, Erasama is liable to be set aside for non-application of mind and non-compliance of the mandatory provisions of law.

11. That due to non-compliance of mandatory requirements of Articles 22(1) the constitution of India and Section 41, 41D.50,55A of the Code of Criminal Procedure, the arrest is unlawful, illegal, arbitrary, unreasonable and suffers from mala-fide exercise of power.

As it was decided in **In The Matter of Madhu Limaye and Ors (1969) 1 SCC 292** in para 12:

> "Once it is shown that the arrests made by the police officers were illegal, it was necessary for the State to establish that at the stage of remand the Magistrate directed detention in jail custody after applying his mind to all relevant matters.

> x x x x x
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> If their detention in custody could not continue after their arrest because of the violation of Art.22 (1) of the Constitution they were entitled to be released forthwith. The orders of remand are not such as would cure the constitutional infirmities."

Therefore, due to non-compliance of the mandatory requirements of Articles, 22(1), 22(2) of the Constitution of India and the Section 167 read with Sections 57 and 41(1)(ba) of the Code of Criminal Procedure renders the order of detention in jail custody illegal and liable to be set aside. When a court legitimizes the violation of fundamental rights, it defeats the very purpose of the existence of a constitution.

12. That in **Mohan Lal v. State of Punjab (2018) SCC OnLine SC 974**, the Apex Court has held that in cases where the complainant is also the investigation officer in a case, it would amount to denial of right to fair investigation and trial. In the present case of the victims, the investigation officer is none other than the sub-ordinate officer of the complainant Inspector-in-Charge. The investigation seems to have been prejudiced from the very beginning as it is clear that no offence under Section 307 IPC is made out against the victims/detenues from the allegations in the F.I.R. The IIC not only filed the F.I.R., but also dictated in the F.I.R. the offences under which the victim-detenues were to be booked; to which the IO complied wilfully. The IO, without proper investigation and application of his independent mind, arrested the victims and produced them before the concerned Magistrate mechanically under the alleged offences with an ulterior motive to deprive them of their liberty. The entire exercise of investigation suffers from bias and prejudice in this case to suppress the peaceful voices in a

very calculated manner .This clearly vitiates the victims' right to fair investigation and trial and should have been taken into consideration during production before the JMFC, Erasama. The objection raised by the victims' advocate has not been recorded in the impugned remand order by the JMFC, Erasama.

13. That such unlawful arrests and detentions is the resultant of the mala-fide intentions of the Police and the State Government who are trying to supress dissent and forcefully dispossess the innocent people of the village Dhinkia of their land and livelihood in order to acquire land for the JSW Steel Plant (the land was initially intended to be given to POSCO for similar purposes). The people of Dhinkia and adjoining villages have been peacefully protesting the government's tactics to condemn them to servitude and slavery stripping them of their constitutional right to life and liberty.

14. That to counter such opposition and dissent, the state government, through its lackey police force, has been foisting many false and malicious cases against the innocent villagers. Innocent women and children have been at the receiving end of such trauma, torture and exploitation due to false cases and indiscriminate raid which hampers their livelihood.

15. That the police excesses in this area have been reported in many national dailies which prima-facie points towards the malicious nature of such false cases, i.e. to curtail the voice of the people. It is evident from the Abhayachandpur P.S. Case No. 18/2022 registered on the

same date as of P.S. Case No. 21/2022(which is the subject matter of this Habeas Corpus petition) with common accused persons and same set of facts and circumstances. Though the P.S. Case No. 18/2022 was registered before the P.S. Case No. 21/2022 and information relating to the former was received a day before, no action has yet been taken in regard to the former FIR. It clearly shows the ploy of the police to use the Abhayachandpur P.S. Case No. 18/2022 to arrest the villagers if and when they manage to secure bail in the case resulting from the latter FIR. It is also relevant to quote the observations of Hon'ble Justice Dr. D.Y. Chandrachud in **Arnab Manoranjan Goswami v. State of Maharashtra (2021) 2 SCC 427**:

> "Courts must be alive to the need to safeguard the public interest in ensuring that the due enforcement of criminal law is not obstructed. The fair investigation of crime is an aid to it. Equally it is the duty of courts across the spectrum - the district judiciary, the High Courts and the Supreme Court - to ensure that the criminal law does not become a weapon for the selective harassment of citizens. Courts should be alive to both ends of the spectrum - the need to ensure the proper enforcement of criminal law on the one hand and the need, on the other, of ensuring that the law does not become a ruse for targeted harassment. Liberty across human eras is as tenuous as tenuous can be. Liberty survives by the vigilance of her citizens, on the cacophony of the media and in the dusty corridors of courts alive to the Rule of (and not by) law. Yet, much too often, liberty is a casualty when one of these components is found wanting."

Therefore, the inherent jurisdiction of this Hon'ble Court U/S 482 CrPC may be invoked to quash the F.I.R. and proceedings relating to Abhayachandpur P.S. Case No. 21/2022 (corresponding to the G.R. Case No. 34/2022) dated 14.01.2022 registered at Abhayachandpur P.S.

of district Jagatsinghpur, stay further proceedings in relation to the Abhayachandpur P.S. Case No 18/2022 and grant protection from arrest to the accused in Abhayachandpur P.S. Case No. 18/2022 and as well as in the G.R. Case No. 34/2022 (P.S. Case No. 21/2022) pending before the JMFC, Erasama.

16. That the free copy provided to the victims of the Extract Order dated 15.01.2022 in the G.R. Case No. 34/2022 pending before the J.M.F.C., Erasama contained the rejection order of the bail application filed by the victim-detenues. The said Extract order contained only the operative part of the judgement, so the bail order pima-facie reveals that the learned J.M.F.C., Erasama has rejected the bail application without application of his judicial mind; as a result no opportunity was given to the victim-detenues to take the required grounds for bail in the Sessions Court and were deprived from effectively challenging

their detention. Though a bail application has been preferred in the G.R. case No. 34/2022 pending before the JMFC, Erasama corresponding to Abhayachandpur P.S. Case No. 21/2022 before the Additional Sessions Judge, Kujang , such extraordinary plea for protection from arrest has been incorporated due to the peculiar nature of the current case. Human liberty is a very precious matter which can't be interfered with arbitrarily and oppressively by the state in a constitutional democracy. The appellants being poor villagers and marginal and small scale farmers no question of absconding or tampering of evidences arises. Such power u/s 482 CrPC invoking the inherent powers of this

Hon'ble Court needs to be exercised to prevent abuse of the process of the courts and to secure the ends of justice by quashing the Abhayachandpur P.S. Case No. 21/2022 (corresponding to G.R. Case No. 34/2022 pending before the JMFC, Erasama) lodged at Abhayachandpur P.S. and staying further proceedings in Abhayachandpur P.S. Case No. 18/2022 and grant protection from arrest in G.R. Case No. 34/2022 pending before the JMFC Erasama arising out of P.S. Case No. 21/2022 of Abhayanchandpur P.S. to the accused.

17. That the petitioner has no other speedy and efficacious remedy left open to her than invoking the Extra-ordinary jurisdiction of this Hon'ble court.

PRAYER

Under the circumstances stated above, the Petitioner therefore humbly prays that the Hon'ble Court may kindly be pleased to admit this writ application, issue notice to the Opposite Parties and after hearing the advocates of the parties, issue a writ in the nature of Habeas Corpus or any other suitable writ:

a) Declare the arrest of the victim-detenues in Abhayachandpur P.S. Case No. 21/2022 to be unlawful and illegal and direct the Opposite Parties to produce the victim-detenues before this Hon'ble Court for their release forthwith and direct to pay

monetary compensation of Rs 5 lakh to each victim for their suffering as well as illegal detention and to initiate criminal proceedings against the erring police officers;

b) Set aside the order of the JMFC, Erasama dated 15.01.2022 passed in G.R. Case No. 34/2022 arising out of Abhayanchandpur P.S. Case No. 21 of 2022 for non-compliance of the mandatory requirements of Articles 22(1) and 22(2) of the constitution of India and Section 167 read with section 57 and 41(1)(ba) of Cr.P.C;

c) To Quash the Abhayachandpur P.S. Case No.21/2022 (corresponding to G.R. Case No 34/2022 pending in the file of learned J.M.F.C. Erasama) and Abhayachandpur P.S. Case No. 18/2022 invoking its inherent power u/s 482 Cr.P.C.

d) Direct a court-monitored enquiry to (i) probe into the police excesses in the Dhinkia region (ii) probe into the custodial violence on 14.01.2022 on the victims by the police personnel of Abhayachandpur Police Station (iii) to review all other criminal cases arising out of the anti-displacement movement in Dhinkia instituted and pending against the persons who are involved in the said movement against JSW at Dhinkia region.

e) Initiation of contempt proceeding against the investigating officers of Abhayachandpur Police Station under District Jagatsingpurand other police personnel for non-compliance of mandatory directions of D.K. Basu case relating to arrest in Abhayachandpur P.S. Case No. 21/2022.

And /or the Hon'ble Court may pass any other appropriate order/orders as it deems fit and proper;

And the petitioner as in duty bound shall ever pray.

Cuttack — By the petitioner through

Dated — Advocate

KSHIROD KUMAR ROUT

B.C.E. No. O-1092/1994