



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No.790 of 2026

Bikram Mohapatra

....

Petitioner

Mr. R.K. Routray, Advocate

-Versus-

State of Odisha & others

....

Opposite Parties

Ms. Babita Sahu, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

23.07.2026

Order No.

04.

1. Heard learned counsel for the respective parties.
2. Instant CRLMP is filed by the petitioner for a direction to opposite party No.3 to act upon the report lodged as per Annexure-3 and further to provide compensation for his illegal detention, torture and assault by the police while in custody consequent upon execution of a false warrant of arrest” issued in connection with C.T. Case No.1209 of 2001 pending in the file of learned S.D.J.M., Bhubaneswar on the grounds stated.
3. This Court by order dated 7th July, 2026 had directed opposite party No.3 to file an affidavit and further calling upon the learned S.D.J.M., Bhubaneswar to submit a report on the allegations of the petitioner in the case at hand.
4. It is alleged that on the basis of warrant of arrest i.e. Annexure-1 with the Court seal thereon, the petitioner was arrested. For the illegal arrest and detention, the petitioner lodged a report with opposite party No.3 as per Annexure-3. It is made to understand that the petitioner even approached the



DCP, Cuttack UPD, namely, opposite party No.2 with such grievance as per Annexure-5. Mr. Routray, learned counsel for the petitioner submits that fraud has been played upon in the issuance of warrant of arrest and it was at the behest of the local police and in particular, the I.O. concerned with such other allegations made. Referring to memo of arrest of the petitioner, Mr. Routray, learned counsel further submits that a serious action is necessary to be directed against the police besides directing compensation payable to him for his illegal detention and assault within the premises of the court of learned S.D.J.M., Bhubaneswar at the time of production.

5. Pursuant to order dated 7th July, 2026 of this Court, learned S.D.J.M., Bhubaneswar submitted the report at Flag-10. The compliance affidavit is filed by opposite party No.3 at Flag-15 for the Court's perusal. According to the report, no such NBW dated 20th November, 2024 was issued against the petitioner by the Court revealed from Register (R-10). It is further revealed that the petitioner was neither an accused nor the informant of the case and furthermore, in the year 2001, such a case has been registered in G.R. instead of C.T. and the NBW was shown to have issued in C.T. Case No.1209 of 2001. In view of such report, this Court is of the view that a further enquiry is necessary by the court of learned S.D.J.M., Bhubaneswar, since for the mischief committed, it has resulted in illegal arrest of the petitioner.

6. In so far as the compliance affidavit at Flag-15 is concerned, it is suggested that on the basis of a photocopy of warrant of arrest received by the P.S. with other documents, the



action was followed and it led to the arrest of the petitioner. Along with the affidavit, the copies of the G.D entry No.10 and the FIR in Lalbag P.S. Case No.241 of 2026 is annexed. Such affidavit indicates that the petitioner was arrested on the basis of a NBW. The delay in enquiry and registration of a case under which the FIR lodged from the side of the petitioner is attributed to such enquiry. It is claimed in the affidavit that a forged NBW bearing a counterfeit seal of the Court was received through Speed Post which was subsequently executed, thereby denying any such mischief committed at the P.S. level.

7. The case diary is submitted to the Court by the learned AGA for the State and the same is gone through. When the report of the learned court below and such an affidavit as at Flag-15 reveal that someone played mischief in the issuance of NBW/A which ultimately led to the arrest of the petitioner and admittedly, resulted in his illegal detention, this Court is inclined to direct the learned S.D.J.M., Bhubaneswar to hold an enquiry in to the same and to take necessary action in that regard. At the same time, this Court is also of the view that opposite party No.2 is to be directed to conduct a threadbare enquiry into the arrest of the petitioner on the basis of non bailable warrant of arrest received by the P.S. concerned with the counterfeit seal of the Court thereon with a decision at the end followed by action in accordance with law.

8. Depending on the outcome of the enquiry to be held by the learned court below and also opposite party No.2, this Court is inclined to award a compensation of Rs.30,000/- (Rupees thirty thousand) payable to the petitioner in view of the illegal



arrest and detention prima facie proved considering the materials on record, recovery of which, shall be from the police officials/staff whosoever responsible either of the P.S. concerned or the court below shall be subject to the result of enquiry held and concluded.

9. Accordingly, it is ordered.

10. In the result, the CRLMP stands disposed of with the directions as aforesaid.

11. Issue urgent certified copy as per rules. A copy of the order be communicated to the court below for compliance.

12. A free copy of the order be handed over to Ms. Sahu, learned AGA for the State for its onward intimation to opposite party Nos.2 & 3 for necessary action at their end.

(R.K. Pattanaik)
Judge

Alok