



A.F.R.

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.2824 of 2026
(Arising out of CRLMP No. 393 of 2026 disposed of on
06.05.2026)

An application under Article 226 and 227 of the Constitution of India.

Registrar (Judicial), Orissa High Court, *Petitioner*
Cuttack

-versus-

Manoranjan Kumbhar, IIC, Bisra Police
Station, Rourkela *Opposite Parties*

Advocates who appeared in this case:

For Petitioner : *Mr. R. K. Pradhan, Advocate*

For Opposite Parties : *Mr. Amitabh Pradhan,*
Additional Standing Counsel

CORAM:

HON'BLE MISS JUSTICE SAVITRI RATHO
JUDGMENT

Date of Hearing: 20th May, 2026

Date of Judgment: 12th June, 2026

Savitri Ratho, J. Pursuant to order dated 06.05.2026 passed in CRLMP No. 393 of 2026, this suo motu contempt has been registered.

2. In order dated 06.05.2026, this Court had observed that the IIC, Bisra Police Station has sent incorrect instructions to the



learned Court and misled the Court and in the process has interfered in the administration of justice.

BACKGROUND FACTS IN BRIEF

3. CRLMP No. 393 of 2026 had been filed by one Md. Rashid@Rashid Quraishi stating that in spite of issue of non-bailable warrant of arrest against one Mehmud Khan @ Chhotu since 10.07.2025 by the learned Judicial Magistrate First Class, Rajgangpur (in short “JMFC”), followed by repeated reminders thereafter, the NBW had neither been executed nor had the IIC of Bisra Police Station furnished any report before the learned JMFC.

4. Perusal of the order-sheet in 1CC Case No.09 of 2023 revealed that pursuant to issue of summons, the accused had entered appearance through a counsel on 04.05.2024 and thereafter time petitions were repeatedly filed on his behalf. The application filed by him under Section 205 of Cr.P.C. was rejected by the learned JMFC, Rajgangpur on 03.10.2024 and bailable warrant against the accused was sent on 05.12.2024 to the Bisra Police Station. But in spite of reminders dated 04.02.2025 and 07.05.2025, neither the bailable warrants were executed nor any report regarding execution of the same were



received from the Police Station, for which on 10.07.2025, the learned Magistrate recalled the earlier order granting bail and issued a non-bailable warrant against the accused and directed the case to be posted on 01.12.2025. On 01.12.2025, it was adjourned to 12.01.2026 and on 12.01.2026, it was further adjourned to 13.03.2026 as the NBW had not been executed.

5. On the basis of instructions dated 06.04.2026 of the IIC, Bisra Police Station received in CRLMP No. 393 of 2026, Mr. S.K. Rout, learned Additional Standing Counsel had submitted on 06.04.2026 that no NBW had been received in favour of the accused Mehmud Khan @ Chhotu in ICC Case No.09 of 2023 from the Court of the learned JMFC, Rajgangpur. So the Registry was directed to call for a report from the learned JMFC, if the NBW issued against the accused Mehmud Khan @ Chhotu had been sent to the Bisra Police Station pursuant to the orders dated 10.07.2025, 01.12.2025 and 12.01.2026.

6. On 15.04.2026, report dated 13.04.2026 of the learned Civil Judge-Cum-JMFC, Rajgangpur was received where it was stated that NBW issued against the accused Mehmud Khan @ Chhotu vide order dated 10.07.2025 was sent by Registered Post



to the Bisra Police Station and the AD has been received back after due service with seal of the Police Station on 24.07.2025.

7. In view of the report of the learned JMFC, by order dated 15.04.2026, the I.I.C., Bisra Police Station was directed to file an affidavit in support of the instructions sent to the Office of the learned Advocate General, Odisha that no NBW has been received in favour of accused Mehmud Khan @ Chhotu in 1.C.C. Case No. 09 of 2023 from the Court of the learned J.M.F.C., Rajgangpur.

8. Thereafter an affidavit dated 01.05.2026 was filed by Mr. Manoranjan Kumbhar the IIC Bisra Police Station in CRLMP No. 393 of 2026. In paragraph 4, it was stated as follows :-

“4. That it is respectfully submitted that the learned JMFC, Rajgangpur vide order dated 10.07.2025 issued NBW against the accused person namely Mehmud Khan @ Chotu passed in ICC Case No.9 of 2023 and sent the same to the Bisra Police Station through Regd. Post. But inadvertently, the same was misplaced at the station for which appropriate steps could not be taken by the deponent for execution of the NBW issued by the learned JMFC, Rajgangpur in ICC Case No.9 of 2023 within due time and accordingly, under on the wrong impression, the deponent submitted his instruction dated 6.4.2026 to the office of the learned Advocate General, Odisha, Cuttack that no NBW has been received against the accused Mehmud Khan @ Chhotu in ICC Case



No.09 of 2023 from the learned JMFC, Rajgangpur.”

9. On receipt of this report of the learned JMFC and affidavit dated 01.05.2026 of the IIC, order dated 06.05.2026 was passed in CRLMP No. 393 of 2026, directing the Registry to initiate suo motu contempt proceedings against the IIC Bisra Police Station. CONTC 2824 of 2026 was accordingly registered.

10. The IIC, Bisra Police Station has filed an affidavit 20.05.2026 in this CONTC. As he was present in Court on that day, he physically appeared in the Court and stated that the NBW had been received on 24.07.2025 by the Home guard, Shri Ghanashyam Nayak, but the latter had kept the warrant in the dak file by mistake, so while sending instructions he had submitted that no NBW had been received against the accused Mehmud Khan @ Chhotu in ICC Case No. 09 of 2023. He has begged unconditional apology for causing inconvenience to this Court.

JUDICIAL PRONOUNCEMENTS

11. In its recent decision in *Bharat Kumar Badlani vs Seema Chaudhury : 2026 INSC 606*, the Supreme Court has held as follows : -



“16. Contempt of the orders of this Court strikes at the very foundation of the rule of law and the authority of the judiciary. When public functionaries, who are the custodians and executors of the law, defy judicial orders with impunity, it casts a deep and lasting shadow over the administration of justice and erodes the confidence of the citizens in the legal system”

“18. However, this Court is also mindful that the power to punish for contempt, though wide, must be exercised with restraint, discretion, and a regard for the ends of justice. Punishment in contempt proceedings is not an end in itself; it is a means to secure compliance, to uphold the dignity of the Court, and to serve as a deterrent to those who may seek to treat judicial orders with levity.”

ANALYSIS AND DISCUSSION

12. Perused the affidavit filed by the Opposite Party-Contemner in this CONTC. There is an incorrect averment in paragraph-8 of the affidavit, where it has been stated that the deponent has submitted in his reply affidavit that no NBW has been issued. It had been stated in the instructions sent to the Office of the learned Advocate General in CRLMP No. 393 of 2026, which was produced before the Court that NBW had not been received. Thereafter, affidavit was filed stating about the NBW of arrest being kept in the dak file by the Home Guard.

13. In paragraph-5 of the affidavit, it is stated as follows:-



“The Present Deponent / alleged contemnor tenders unconditional apology before this Hon'ble Court for the said lapse. There was no willful or deliberate disobedience of the order of this Hon'ble Court. The lapse occurred solely due to negligence of the subordinate staff and lack of proper supervision by present Deponent, for which the contemnor is extremely regrets and begs unconditional apology with folded hands.”

14. This explanation/excuse is not acceptable as more than one and half years have elapsed since the NBW was received in the Bisra Police Station. Had the NBW been placed the dak file, with in this period, the dak file must have been opened on a number of occasions and hence the NBW would have been discovered. That apart, separate registers for dak and NBWs are maintained in the Police Station. So the explanation that the NBW was misplaced in the dak file does not inspire confidence and is rejected.

15. It has also been stated in the affidavit, that after discovering that the warrant had been received in the Police Station and had been misplaced, prayer was made by the deponent before the learned JMFC, on 22.04.2026 for issuing a fresh NBW and this NBW has been executed on 28.04.2026.



16. Apart from ignoring the NBWs sent to the Police Station, the IIC Bisra Police Station has been extremely casual and careless while sending instructions to the Office of the learned Advocate General which was placed before this Court.

17. Unfortunately, ignoring the orders of the Magistrate is not the forte of the IIC Bisra Police Station only. After being given the assignment of CRLMPs (applications under Article – 226 and 227 of the Constitution of India which arise out of criminal cases), I have come across a number of cases where there is allegation against the IICs of different Police Stations all over the State that they have scant regard for judicial orders and directions, for which the aggrieved persons have to approach this Court .

18. There are numerous instances where orders have been passed by different Magistrates in exercise of power under Section – 156 (3) of the Cr.P.C. and thereafter under Section 175(4) of the BNSS directing the concerned Police Station to register a case and submit a report to the Court. Either a case is not registered, or even if a case is registered, no report in this regard is submitted to the learned Magistrate by the concerned



IIC, for which the case unnecessarily suffers numerous adjournments, awaiting such report.

19. There are also proceedings under Section 125 Cr.P.C which are now under Section 144 of the BNSS, where even after passing of an order by a Magistrate or a Judge of the Family Court, for payment of interim maintenance, or final order for payment of maintenance, the order is not complied with, for which applications are filed for execution of such orders. In many such cases, Distress Warrants and/or Conditional NBWs are issued by the Court for execution of the order of payment of maintenance to the concerned Police Station. But no steps are taken by the IIC of the Police Station to either execute the warrant or to inform the learned Court about steps taken for execution of the warrant or the difficulty in execution of the warrant for which the case gets adjourned awaiting instructions.

20. The High Court is not the executing Court in respect of orders passed by the learned Magistrates or Judges of the District Judiciary. But as a result of the inaction / failure of the local police to carry out or comply with the orders / directions of these Magistrates and Judges, or even respond to their orders, the cases before these Courts are unnecessarily adjourned and the High



Court is flooded with petitions by aggrieved persons complaining about the inaction of the police. The criminal courts and Judges of Family Courts do not issue non-bailable warrants in a routine manner. They are issued in cases involving heinous crimes or where there is allegation/ apprehension that the person may evade the process of law / tamper with evidence / bailable warrants cannot be executed or where the Court is satisfied that the accused is avoiding receipt of summons and / or is avoiding to appear before the Court intentionally for which the proceedings remain pending and the justice delivery system is adversely affected.

21. In spite of a number of orders being passed and reminders issued by the Magistrates and other Judges of the District Courts, the Officers in Charge of the concerned Police Stations fail to respond cases for which the cases suffer repeated adjournments. This is because if the police does not report to the Court that it is not possible to execute a warrant (whatever the reason), the Court cannot take issue proclamation or attach the property of the accused / warrantee for ensuring his presence.

22. Therefore, it has become necessary to direct the Director General of Police, Odisha (DGP) to ensure that the



Superintendents of Police / Commissioners instruct the IICs of the Police Stations under their jurisdiction, to and carry out the orders / directions of the Magistrates and other judicial officers , so that the litigants do not flood the High Court with CRLMPs complaining about inaction of the local police .

CONCLUSION

23. It cannot be disputed that for proper dispensation of justice and expeditious disposal of cases, the Court and law enforcement machinery (the police) have to act in tandem and harmoniously.

24. It cannot be disputed that due to inadvertence , at times orders or letters may get misplaced in an office or even a Police station.

25. In the present case, without verifying the record, the IIC Bisra Police Station, had the audacity to send instruction to this Court, denying receipt of the NBW. This shows that the IIC in question has scant regard for the directions of the learned Magistrate as well as this Court.

26. I am therefore satisfied that Manoranjan Kumbhar, IIC, Bisra Police Station is guilty of committing contempt of Court.



27. But it has not been brought to my notice, that he is in the habit of ignoring orders of Courts.

28. That apart, he has begged unconditional apology and stated on affidavit that after discovering that the NBW had been misplaced, he had prayed for a fresh NBW and has already executed the same. His unconditional apology is therefore accepted. I therefore do not consider it necessary to impose any punishment on him. But acceptance of the apology should not be understood to be an approval of his conduct. Any default or negligence in complying with orders or directions of this Court or any other Court in future by him, will not be viewed kindly or overlooked.

29. The Suo Motu Contempt is accordingly disposed of with the aforesaid observations and directions.

30. Copy of this order be communicated to the Superintendent of Police ,Sundargarh and the Director General of Police, Odisha , by the Registry forthwith .

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(Savitri Ratho)
Judge

Orissa High Court, Cuttack
Dated the 12th June, 2026/ Subhalaxmi