

**IN THE COURT OF SUB DIVISIONAL JUDICIAL MAGISTRATE,
BHUBANESWAR**

**Extract copy of order dtd. 25.09.2024 passed by the Id. S.D.J.M. BBSR in
C.T Case No. 1663/2024 arising out of CID CB P.S Case No. 11 dtd.
18.09.2024**

The case record is put up today on the basis of the order passed by this Court on 24.09.2024. As per the direction of this Court, the alleged accused, namely, **Dinakrushna Mishra**, S/o. Late Asadhu Mishra of Village- Sainto, P.S/Dist-Jagatsinghpur, At/Pr- Inspector of Police, O/o. DCP, Bhubaneswar, Ex-IIC of Bharatpur P.S is present before this Court. Learned APP is also present. This Court asked the alleged accused whether he wants to engage any lawyer of his choice but he submitted that he is competent to understand the legal proceedings of his own and denied to engage any lawyer in this case.

This Court explained the present purpose of the proceeding and the legal consequences thereof as per the mandate laid down by the Hon'ble Supreme Court of India in the matter of Selvi & Others Vs. State of Karnataka and another reported in AIR 2010 SC 1974 to the alleged accused, Dinakrushna Mishra. Being aware of all the legal consequences, the said alleged accused stated before this Court which is reiterated as follows;

"I am innocent. I am not involved in the commission of the offences as alleged against me. I don't have any objection to undergo Narco-Analysis, Polygraph and Brain Finger Printing Tests. I am giving my consent on my own accord and free will".

On perusal of the case record, it reveals that the alleged occurrence took place inside the Bharatpur P.S on 15.09.2024 at about 02:00 A.M. The victim girl made allegations against the Police officials including the Ex.IIC Dinakrushna Mishra of Bharatpur P.S present at that time in the Police Station. It is also alleged that the Ex.IIC Dinakrushna Mishra had sexually harassed and molested the victim girl, fiancée of the informant, inside the P.S. It is the duty of the investigating agency to unearth the truth by collecting the legally admissible evidence. As the sequence of events in this case occurred within the four walls of the Police Station without any eye

witness, scientific methodology may give a proper direction to the investigating agency to reach at the truth. At this juncture, the Court is relying on the observation made by the Hon'ble Supreme Court of India in the case of Rajendra Pralhadrao Wasnik vs. State of Maharashtra reported in (2019) 12 SCC 460 in which the Hon'ble Court held that "it is expected from investigating agency to adopt latest advanced scientific technologies and methods of investigation to arrive at right conclusion".

Keeping in view of the facts and circumstances of this case and the consent given by the said alleged accused, the Court is satisfied that he has given his consent to undergo the Narco- Analysis, Polygraph and Brain Finger Printing Tests with his own volition. Hence, the prayer of the I.O to conduct the aforementioned three numbers of tests upon the alleged accused namely **Dinakrushna Mishra** at the State Forensic Science Laboratory, Gandhi Nagar, Gujarat is hereby allowed.

Further the I.O is hereby directed to carry out all the aforementioned tests as per the Standard Operating Procedure (S.O.P) applicable from time to time without any delay. Again the I.O is also directed to submit the full medical report before this Court after the completion of the aforementioned tests forthwith.

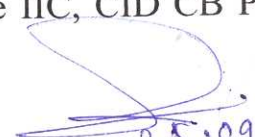
An extract copy of this order be supplied to the I.O of this case through the IIC, CID CB P.S, Cuttack, for information and necessary action.

Sd/-

S.D.J.M., Bhubaneswar

Memo No. 3880 / CSI dtd. 25.09.2024

Copy forwarded to the I.O of this case through the IIC, CID CB P.S, Cuttack, for information and necessary action.


25.09.24
S.D.J.M., Bhubaneswar

