

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMP No.35 of 2022

Nandalal Rungta

....

Petitioner

*Mr. M.K. Mishra, Sr. Adv.
and S.Das, Adv.*

-versus-

State of Odisha (Vigilance)

....

Opposite Parties

*Mr. Sangram Das,
SC (Vigilance)*

And

CRLMP No.36 of 2022

Nandalal Rungta

....

Petitioner

*Mr. M.K. Mishra, Sr. Adv.
and S.Das, Adv.*

-versus-

State of Odisha (Vigilance)

....

Opposite Parties

*Mr. Sangram Das,
SC (Vigilance)*

CORAM:

MR. JUSTICE S.K. PANIGRAHI

Order
No.

ORDER
18.02.2022

- 04.
1. Both the matters are taken up through hybrid arrangement.
 2. Mr. M.K. Mishra, learned Senior Counsel for the petitioner and Mr. Sangram Das, learned Standing Counsel for the Vigilance Department are present. Judgment prepared in separate sheets is delivered and pronounced in open Court in the presence of learned counsels for the parties and the order is passed accordingly as follows:-
 3. As a *sequitur*, CRLMP No. 35 of 2022 and CRLMP No. 36 of 2022 are therefore allowed and chargesheet No. 7, dated 26.03.2013, filed by Balasore Vigilance P.S. in VGR Case No.

20 of 2011 and all criminal proceedings emanating therefrom including the order of cognizance dated 3.06.2013 passed in VGR Case No. 20 of 2011 by the Special Judge (Vigilance) Keonjhar and similarly, Chargesheet No. 62, dated 31.12.2012, filed by Balasore Vigilance P.S. in VGR Case No. 21 of 2011 and all criminal proceedings emanating therefrom including the order of cognizance dated 22.02.2013 passed in VGR Case No. 21 of 2011 by the Special Judge (Vigilance) Keonjhar are hereby quashed and set aside.

4. In view of the above, it is also pertinent to note that in W.P.(Crl.) No. 786 of 2009 and W.P.(Crl.) No. 787 of 2009, the foundation of those Writ Petitions are in the form of seeking issuance of a writ in the nature of certiorari to quash Balasore Vig. P.S. Case No. 52 of 2009 and Balasore Vig. P.S. Case No. 53 of 2009 respectively and all proceedings emanating therefrom. These Balasore Vig. P.S. Cases are also the subject of challenge in the present CRLMPs, however the substantive difference is that at the time of filing these Writ Petitions, the charge-sheets in both the matters had not been filed. In light of the above findings and the elaborate discussion, as has been discussed earlier, it is to be noted that M/s Mangilall Rungta and M/s Rungta Mines (P) Ltd. have not been arrayed as an accused even at the stage of filing of the respective charge-sheets. Given the materials on record which have been elaborately scrutinised and considered, including the MDC Reports, the report of the Deputy Director of Mines and the assessment order of the Dy. Commissioner of Sales Tax (all of which have remained unchallenged) amongst other things,

the findings as aforementioned squarely apply to the facts adumbrated in W.P.(Crl.) No. 786 of 2009 and W.P.(Crl.) No. 787 of 2009. In light of the same, in order to do complete justice, *ex debitojustitiae*, to prevent an abuse of process of law, W.P.(Crl.) No. 786 of 2009 and W.P.(Crl.) No.787 of 2009 are also allowed *qua* the Petitioners therein. Consequently, FIR No. 52 of 2009 dated 18.11.2009 and FIR No.53 of 2009 dated 18.11.2009 stand quashed *qua* the Petitioners in conformity with the present Judgment and Order.

5. Ordered accordingly. No costs.

6. Urgent certified copy of this order be granted on proper application.

(*S.K. Panigrahi*)
Judge

BJ

