

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLLP No.114 of 2010

State of Odisha (Vigilance)

Petitioner

*Mr. Sangram Das,
Standing Counsel*

-versus-

Pradeep Kumar Lima

Opp. Party

*Mr. P.K.Mishra, Advocate
(for the wife of the opp. Party)*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
02.08.2022**

Order No.

06. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

On 26.07.2022 when the matter was taken up, the learned counsel appearing for the wife of the opposite party filed an affidavit wherein it is indicated that the sole opposite party is died on 29.08.2020 and a copy of the death certificate has been annexed to the affidavit.

Mr. Sangram Das, learned Standing Counsel appearing for the Vigilance Department was served with a copy of the affidavit and he sought for some time to obtain instruction on the same.

Today, Mr. Sangram Das, learned Standing Counsel for the Vigilance Department has produced the written instruction dated 28.07.2022 received from the Supdt. Of Police, Vigilance, Koraput Division, Jeypore which

indicates that the sole opposite party Pradeep Kumar Lima died on 29.08.2022 at DHH, Rayagada of Covid-19 disease and the death of the opposite party is entered in Death Register of Rayagada Municipality. The written instruction is taken on record.

This leave petition has been filed by the State of Odisha challenging the impugned judgment and order of acquittal dated 22.09.2007 passed by the learned Special Judge, Vigilance, Jeypore in G.R. Case No.39 of 1997 (V)/TR No.20 of 2007 in acquitting the opposite party of the charges under section 13(2) read with section 13(1) (d) of the Prevention of Corruption Act, 1988 and sections 465, 468 and 420 of the Indian Penal Code.

Section 394 of Cr.P.C. which deals with abetment of appeals states that every appeal under section 377 or 378 shall finally abate on the death of the accused.

In view of such provision and the death of the opposite party, the leave petition stands abetted.

Accordingly, the CRLLP is disposed of.

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

(S.K. Sahoo)
Judge