

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.4063 of 2011

Anand Chandra Samal.

....

Petitioner

-versus-

State of Orissa

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

28.07.2022

Order No.

- 12.
1. This matter is taken up through Hybrid mode.
 2. The petitioner in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) has prayed for quashing of the order dated 13.09.2011 passed by the learned Special Judge (Vigilance), Sambalpur in C.T.R. No.54 of 2005 rejecting his petition for discharge, so also the entire proceeding.
 3. Heard the learned counsel for the petitioner and Mr. P.K. Pani, the learned Standing counsel appearing for the Vigilance Department.
 4. Learned counsel for the petitioner submits that here in this case the prosecution against the petitioner is bad on the ground that the sanction given by a person is incompetent.

5. Mr. Pani, the learned standing counsel appearing for the Vigilance Department, however, opposes the prayer made and submits that the sanction order is already on record and validity of such sanction can only be determined at the time of trial.

6. Considering the aforesaid facts and circumstances of the case, this Court is not inclined to interfere with the impugned order. However, the petitioner is at liberty to raise the aforesaid question at the time of trial and if that be so, it is hope and trust that the trial Court shall address the same while rendering the judgment.

7. Accordingly, this CRLMC filed challenging the impugned order being devoid of merit stands dismissed.

8. A free copy of this order be handed over to Mr. Pani, the learned standing counsel for the Vigilance Department.

(S. Pujahari)
Judge

MRS