

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3732 of 2015

Adaita Ch. Bhol

....

Petitioner

Mr. D. Das, Advocate

-versus-

State of Orissa

....

Opp. Party

S.C. (Vigilance)

CORAM:

JUSTICE G. SATAPATHY

ORDER

12.10.2022

Order No.

13. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner and learned Standing Counsel for State-Vigilance.
3. Mr.Debasnan Das, learned counsel for the petitioner submits that the informant had not applied for any loan from Panchahyat Samiti Pattamundai, and, therefore, there was no occasion for the petitioner to demand and accept any bribe from the informant. It is also submitted that the accompanying witness has not stated a single word against the petitioner in his statement recorded by the I.O., but the learned trial Court by the impugned order has arbitrarily rejected the discharge petition filed by the petitioner without taking into consideration the aforesaid facts. It is further submitted that the accompanying witness Premananda Kar in his statement U/S. 161 of Cr.P.C. has neither stated to have heard any conversation between the petitioner and the complainant nor had he relayed any signal to the authority nor had he stated to have seen the monetary transaction between the complainant and the informant.

In reply, learned Standing Counsel for State-Vigilance submits that three witnesses have already been examined in this case and thereby, the order impugned in this case has already attained finality which cannot be interfered by exercise of power U/S. 482 of Cr.P.C. It is also submitted that merely because no work of the informant was pending with the petitioner, it cannot be said that the petitioner had demanded and accepted the bribe.

4. At this point of time, while replying the contention advanced on behalf of the State-Vigilance, learned counsel for the petitioner prays to grant liberty to the petitioner to raise all such points which were available to him during the time of consideration of charge as well as the points canvassed before this Court referred to above at the time of argument in the original case and in such event, the learned trial Court should consider the same in accordance with law.

5. In view of such limited prayer advanced on behalf of the petitioner, without expressing any opinion on the merits of the case, the CRLMC is disposed of with liberty to the petitioner to raise all those points which were available to him during the time of consideration of charge as well as the points raised today by the petitioner before this Court at the time of argument in the original case and in such event, the learned trial Court would do well to consider all those points in accordance with law.

6. The CRLMC is accordingly disposed of.

(G. Satapathy)
Judge