

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRPCRL No.25 of 2022

Prabhat Kumar Sahu

....

Petitioner

-versus-

State of Odisha (Vigilance).

....

Opposite Party

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

09.12.2022

Order No

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. Trilochan Nanda, learned counsel for the Petitioner and Ms. J.R. Tripathy, learned Addl. Standing Counsel appearing for the Vigilance Department.

3. This transfer petition has been filed seeking transfer of CTR No. 06 of 2018 from the Court of learned Special Judge (Vigilance), Sambalpur to the Court of learned Special Judge (Vigilance), Sundergarh.

4. Learned counsel for the Petitioner in support of the stand for transfer of the matter contended that pursuant to the implication of the Petitioner in a Vigilance Case, Sambalpur (Vigilance) P.S. Case No. 116 dtd.21.12.2015 was registered in the file of learned Special Judge (Vigilance), Sambalpur. Subsequently, the final form was also submitted in the above said Vigilance Case on 30.10.2017

charge-sheeting the Petitioner for the offence under Sec. 13(2) read with Sec. 13(1)(d)/7 of the Prevention of Corruption Act, 1988.

5. Even though the matter was registered as Sambalpur (Vigilance) P.S. Case No. 116 of 2015 in respect of an offence committed by the Petitioner at two (2) places. One coming under Deogarh district and another coming under Sundargarh district with place of occurrence at Bonai in the district of Sundargah, the Petitioner on coming across the letter issued by the Registry of this Court to the Addl. District Judge -cum- Special Judge, (Vigilance), Sundargarh dtd.11.02.2022 under Annexure-4, wherein learned ADJ -cum- Special Judge (Vigilance), Sundargarh was directed to hold Circuit Court at Rourkela for disposal of Vigilance Case arising out of Revenue Sub-Divisions of Panposh and Bonai, the present transfer petition was filed as the matter was not transferred to the Court of learned Special Judge (Vigilance), Sundargarh.

6. It is contended that since learned ADJ -Cum- Special Judge (Vigilance), Sundargarh has got the jurisdiction to conduct the trial of the matter, the same should have been transferred by the learned Special Judge (Vigilance), Sambalpur in terms of the letter issued by the Registry on 11.02.2022 under Annexure-4. It is also contended that this Court while issuing notice of the matter vide

order dtd.10.05.2022 also directed the learned Special Judge, Vigilance, Sambalpur to submit a report as to why the case in Sambalpur (Vigilance) P.S. Case No. 116 of 2015 corresponding to CTR Case No.06 of 2018 has not been transferred to the Court learned Special Judge (Vigilance), Sundergarh after division of territorial jurisdiction with creation of Special Judge (Vigilance), Court at Sundergarh.

7. Pursuant to the said order of this Court learned Special Judge (Vigilance), Sambalpur submitted the report vide letter No. 290 dtd.03.06.2022. From the said report it is found that the offence under Sec. 13(2) read with Sec. 13(1)(d)/7 of the P.C. Act, 1988 was committed by the present Petitioner at two (2) places i.e. at Barkote in the district of Deogarh and at Khandadhar ITC, Rajamunda in the district of Sundargarh. While the first part of the alleged offence regarding demand of illegal gratification as well as the second part of the alleged offence regarding acceptance of the illegal gratification is alleged to have been committed by the Petitioner within the jurisdiction of the Special Judge (Vigilance), Sambalpur as on the date and time of the alleged offences, but subsequently after opening of the Court of Special Judge (Vigilance), Sundergarh on 10.09.2016 the matter was not transferred on the premises that the first part of the offence has been

committed in the district of Deogarh, which comes within the jurisdiction of the Court of Special Judge, vigilance, Sambalpur. It is also found from the report that the alleged offence has been committed by the Petitioner partly in the district of Deogarh and partly in the district of Sundergarh.

8. Having heard learned counsel for the Parties and taking into account the report submitted by the learned Special Judge, Vigilance, Sambalpur since it is found that on opening the court of learned Special Judge (Vigilance), Sundergarh on 10.09.2016, in view of the commission of the second part of the alleged offence, which comes within the jurisdiction of the said Court, this Court deems it fit and proper for transfer of CTR No. 06 of 2008 corresponding to Sambalpur (Vigilance) P.S. Case No. 116 of 2015. Accordingly, this Court directs the learned Special Judge, Vigilance, Sambalpur to transfer the matter to the Court of learned ADJ -cum- Special Judge (Vigilance), Sundergarh on receipt of this order.

9. The transfer petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha