

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.996 of 2022

Achyutananda Routray

....

Petitioner

Mr. Lalitendu Mishra, Advocate

-versus-

State of Odisha(Vigilance)

....

Opposite Party

*Mr. N. Moharana, A.S.C, for
Vigilance Department.*

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

22.04.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for the State Vigilance.
3. This is an application under Section 482, Cr.P.C. with a prayer for quashing of the F.I.R. and consequential criminal proceedings in G.R. Case No.02 of 2016 on the file of learned Special Judge (Vigilance), Cuttack registered under Section 13(2) read with Section 13(i)(2) of the P.C. Act, 1988 and under Section 109 of the I.P.C.
4. It is alleged that the while petitioner was functioning as Joint Manager, Bhawanipatna OPH and WC Division for the period from 13.11.2009 to 04.07.2014, there were some shortfall of some construction materials like sand, crushed stones, TMT steel bars/rods and cement etc, which havfe actually been exchanged between different sites for continuance the construction works in different

locations of Police Housing Projects. Now the projects have been successfully completed without any additional funds and extra expenditure of money from Government Exchequer. The petitioner being the officer, has been mechanically added in this case as an accused along with other principal accused.

5. It is submitted by learned counsel for the petitioner that the vigilance registered disproportionate assets case against the petitioner. However, the petitioner has submitted certain documents pertaining to income of the petitioner as well as his wife. The only grievance of the petitioner is that the authorities may be directed to consider the documents, which are in another case filed. It is further submitted by learned counsel for the petitioner that the petitioner was noticed by the Vigilance Department in the year 2016 i.e. letter dated 6280/Vig. Cell dated 09.09.2016 although the petitioner appeared before the D.S.P.(Vigilance), Cuttack, he was advised come later. Thereafter another notice was issued by letter No.1172/Vig. Cell dated 06.04.2022 and the petitioner was directed to appear before the Director, Vigilance Cell Office, Vigilance Directorate, Nuapatna, Cuttack on 11.04.2022 at 11.00 A.M. Due to his illness, the petitioner could not appear on that date. He further submits that he has intimated the authority regarding his absence and sought time on that occasion. However, learned counsel for the petitioner submits that in the event the authorities may be directed to consider the documents as submitted by the petitioner as directed him and his wife before charge-sheet and he is ready and willing to cooperate with the investigation of the case. He further submits that in the meantime, the petitioner retired from service on attaining age of superannuation.

6. Learned counsel for the Vigilance submits that it is always

open to the petitioner to file documents and he wants to use in his defence. Further it is open to the Vigilance police to accept those documents for verification and also genuineness and validity of the same shall be considered by the authorities in accordance with law.

7. Considering the rival contentions made by the parties and limited nature of grievance, this Court disposes the Criminal Misc. Petition with a direction to the authority to consider the case of the petitioner from the date of production of certified copy of this order. In the event petitioner appear before the authority along with documents pertaining to the income of the wife of the petitioner within a period of fifteen days, the same shall be considered in accordance with law subject to verification his willingness by the vigilance department

With the aforesaid observation/direction, the CRLMC is accordingly disposed of.

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

(*A.K. Mohapatra*)
Judge