

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No. 354 of 2015

**State of Odisha
(Vigilance Directorate)**

.... Petitioner

- Versus -

M.G. Baig & Another.

.... Opposite Parties

Md. G. Madani, Advocate (for O.P. No.1)

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

05.08.2022

**Misc. Case No. 568 of 2015 &
CRLREV No. 354 of 2015**

**Order No.
02**

1. This matter is taken up through hybrid mode.
2. None appears for the petitioner at the time of call.
3. The defect as pointed out by Stamp Reporter has not been removed.
4. The Misc. Case has been filed for condonation of delay in filing of the revision.
5. Office has pointed out delay of 423 days. The impugned judgment was passed on 17.12.2013, whereas the revision was filed on 13.05.2015. It is stated in the petition for condonation of delay that after passing of the impugned order, the same was sent to S.P. Balasore along with opinion of Special Public Prosecutor (Vigilance) on 28.03.2014. Thereafter, the papers was sent to the Director, Vigilance and upon a decision being taken to challenge the impugned order, the Standing Counsel of the Vigilance Department was intimated to do the needful vide letter dated 10.11.2014. The Standing Counsel drafted the Criminal Revision and Misc. Case for condonation of delay in the month of December, 2014 but the letter

which was to be sent to the Directorate for sending a competent officer to swear affidavit was inadvertently not sent and the criminal revision Petition and the misc. case were kept in some other connected files. The revision petition was discovered when the connected criminal revisions were listed i.e. on 06.05.2015.

6. From the above narration it is evident that there are glaring gaps that have been left unexplained. For instance, the order was passed on 17.01.2013, but no explanation is cited for sending the same after nearly three months. Similarly, the decision to prefer the revision was taken in the month of November, 2014, which is after a lapse of eight months, but what had transpired during the eight months has not been explained. The other ground taken that the criminal revision was prepared but was inadvertently kept in some connected files and could be discovered only in the month of May, 2015 is patently unbelievable. Thus, this Court finds that the delay in filing the revision has not been properly explained at all. As such, this Court is not inclined to condone the delay, for which the Criminal Revision stands dismissed on the ground of delay.

7. The I.A. as well as CRLREV are dismissed.

(Sashikanta Mishra)
Judge

A.K. Rana