

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No. 52 of 2019

Sudhalal Bihari Mohanty ***Petitioner***
Mr. S.K. Mishra, Advocate
-versus-

State of Odisha and Ors. ***Opposite Parties***
Mr. S. Dash, Advocate
For Vigilance Department

CORAM:
JUSTICE S. TALAPATRA
JUSTICE B.P. ROUTRAY

ORDER
08.07.2022

Order No.
07.

1. This matter is taken up through hybrid mode.
2. Heard Mr. S.K. Mishra, learned counsel appearing for the Petitioner as well as Mr. S. Dash, learned Standing Counsel appearing for the State Vigilance.
3. By means of this petition, the Petitioner, namely, Sudhalal Bihari Mohanty has prayed for transfer of the VGR Case No.35 of 2005 renumbered as TC No.107 of 2013, which has arisen out of Balasore Vigilance P.S. Case No.35 of 2002 from the Court of the Special Judge, Bhubaneswar to the Court of the Special Judge, Vigilance, Baripada.
4. The relevant facts, in brief, are that, in terms of the circular issued by the High Court of Orissa dated 11.11.2018, the cases where the present or the former MLAs or MPs are

involved as accused were transferred to the Special Court at Bhubaneswar. It is undisputed fact that, Bimal Lochan Das, since deceased, was MLA and who involved in that case. As a result, the said case was transferred to the Court of the Special Judge, Vigilance at Bhubaneswar for disposal. After transfer, during trial, Bimal Lochan Das passed away. The remaining accused do not fall in the category of the former or the present MLAs and MPs and as such, the trial can be held by the Special Judge, Vigilance, Baripada. On that premises, this petition has been filed for transferring the case being VGR Case No.35 of 2005/TC No.107 of 2013 to the Court of the Special Judge, Vigilance, Baripada.

5. Mr. Mishra, learned counsel has submitted that the other accused would suffer undue prejudice, if the case is not transferred.

6. Mr. S. Dash, learned counsel appearing for the State/Vigilance, has categorically submitted that, the State will not have any objection, if the case is transferred to the Court of the Special Judge, Vigilance, Baripada.

7. On appreciate of rival contentions, advanced by the counsel for the parties, we direct that the VGR Case No.35 of 2005 corresponding to TC No.107 of 2013, presently pending in the Court of the Additional Sessions Judge-cum-Designated

Special Court, Bhubaneswar be transferred to the Court of the Special Judge, Vigilance, Baripada forthwith.

8. The Registry is directed to send a copy of this order to the Additional Sessions Judge-cum-Designated Special Court, Bhubaneswar for transmitting the case records to the Court of the Special Judge, Vigilance, Baripada forthwith.

9. Having received the records, as directed to be transmitted, the Special Judge, Vigilance, Baripada shall fix a date, recording the purpose and by informing the accused persons, in particular, through their engaged counsel and proceed for disposal of the case. All steps be taken so that the trial can be concluded within a reasonable time. Even though, the other accused persons are not arraigned in this proceeding, we do not think they would suffer any prejudice in as much as the trial is supposed to be ordinarily conducted by the Court of the Special Judge, Vigilance, Baripada.

10. Having observed thus, this petition stands allowed and disposed of.

(S. Talapatra)
Judge

(B.P. Routray)
Judge