

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC Nos.1292, 1293 & 1294 of 2022

CRLMC No.1292 of 2022

Abinash Patel Petitioner
Mr. Manoj Kumar Mohanty, Advocate

-Versus-

State of Odisha (Vigilance) Opposite Party
Mr. Niranjana Moharana,
ASC for Vigilance Department

CRLMC No.1293 of 2022

Padmini Patel Petitioner
Mr. Manoj Kumar Mohanty, Advocate

-Versus-

State of Odisha (Vigilance) Opposite Party
Mr. Niranjana Moharana,
ASC for Vigilance Department

CRLMC No.1294 of 2022

Dillip Kumar Patel Petitioner
Mr. Manoj Kumar Mohanty, Advocate

-Versus-

State of Odisha (Vigilance) Opposite Party
Mr. Niranjana Moharana,
ASC for Vigilance Department

CORAM:
JUSTICE R.K. PATTANAİK

DATE OF JUDGMENT:16.12.2022

1. All the above petitions filed under Sections 482 Cr.P.C. at the
behest of the petitioners have been clubbed together and

CRLMC Nos.1292, 1293 & 1294 of 2022

disposed of by a common order since the relief prayed for is of similar nature.

2. The petitioners belong to one family and have filed instant petitions with a direction to the opposite party-State to defreeze the bank accounts attached in connection with Sambalpur Vigilance P.S. Case No.23 of 2020 corresponding to Vigilance G.R. Case No.17 of 2020 pending in the file of learned Special Judge (Vigilance), Sambalpur.

3. Heard Mr. Manoj Kumar Mohanty, leaned counsel for the petitioners and Mr. Niranjana Maharana, learned ASC for the Vigilance Department.

4. The Inspector of Vigilance, Jharsuguda lodged the FIR against the petitioners in CRLMC Nos.1292 and 1294 of 2022 consequent upon which Sambalpur Vigilance P.S. Case 23 of 2020 was registered under Sections 13(2) read with 13(1)(b) and Section 12 of the Prevention of Corruption (Amendment) Act, 2018 (in short 'the P.C. Act') which corresponds to Vigilance G.R. Case No.17 of 2020 with the allegation that one of the petitioners in CRLMC Nos.1294 of 2022 accumulated properties disproportionate to his known source of income and in that connection, the accounts of the petitioners were attached.

5. Mr. Mohanty, learned counsel for the petitioners submits that due to attachment of the accounts, the petitioners are facing a lot of difficulty and financial hardship. It is further submitted that representations were submitted to the Superintendent of Police (Vigilance) at different point of time to release the said accounts but the same yielded no result. Such attachment of the accounts, as further submitted by Mr. Mohanty, is illegal, arbitrary and contrary to law since the provisions of Section 18-A of the P.C. Act has not been followed.

6. By stating the reasons different from each other vis-à-vis the seized bank accounts, the petitioners claim it to be defreezed.

7. Mr. Moharana, learned ASC for Vigilance Department submits that since the petitioners have approached for the alleged accounts to be defreezed, appropriate order may be passed in that regard.

8. Mr. Mohanty, learned counsel for the petitioners submits that one of the petitioners along with the daughter of the petitioner in CRLMC No.1294 of 2022 had approached this Court on earlier occasion in CRLMC Nos.1147 and 1142 of 2021 respectively with similar relief by claiming attachment of the accounts was not in conformity with Section 18-A of the P.C. Act and considering the same, direction was issued for its release. The alleged accounts had been seized in connection with Sambalpur Vigilance P.S. Case No.23 of 2020. On a similar ground, the petitioners at present have prayed for defreezing the bank accounts.

9. Mr. Mohanty, learned counsel for the petitioners cites an order of the Apex Court dated 6th September, 2021 in Criminal Appeal No.949 of 2021 in the case of **Ratan Babulal Lath Vrs. The State of Karnataka** while claiming for release of the bank accounts.

10. Considering the submissions of the learned counsel for the respective parties and as similar reliefs have been granted to the petitioners in CRLMC No.1293 of 2022 and CRLMC No.1142 of 2021 involving attachment of bank accounts of former's daughter and keeping in view the decision of the Apex Court in **Ratan Babulal Lath** (supra) which is with regard to compliance of Section 18-A of the P.C. Act, the Court is of the considered view that in the facts and circumstances of the case, a direction is required to be issued to the Authority concerned to defreeze the accounts attached in connection with Vigilance G.R. Case No.17 of 2020.

As regards maintainability of the petitions is concerned since similar prayer had earlier been made, Mr. Mohanty, learned counsel for the petitioners submits that it should not stand as a bar in view of Section 362 Cr.P.C. and cited an authority in **Anil Khadkiwala Vrs. State (Government of NCT of Delhi) and Another (2019) 17 SCC 294** in support thereof. Considering the law on the point and the relief being for defreezing of accounts, according to the Court, notwithstanding previous encounters, it should not be an obstacle on the way of the petitioners.

11. With the above conclusion, the petitions stand disposed of with a direction to the concerned Authority to defreeze the seized accounts of the petitioners attached in connection with Sambalpur Vigilance P.S. Case No.23 of 2020 corresponding to Vigilance G.R. Case No.17 of 2020 pending in the file of learned Special Judge (Vigilance), Sambalpur forthwith with an observation that it is open for the Vigilance Authority to take recourse to law as per and in consonance with the above decision of the Supreme Court with regard to the freezing of the accounts.

12. Issues urgent copy as per rules.

13. A free copy of the order be supplied to Mr. Moharana, learned counsel for the Vigilance Department for intimation.

(R.K. Pattanaik)
Judge

U.K. Sahoo