

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1947 of 2022

Basanta Manjari Biswal

....
Petitioner
Mr. Suryakanta Jena, Advocate

-Versus-

State of Odisha (Vigilance)

....
Opposite Party
Mr. Niranjana Moharana,
ASC for Vigilance Department

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
19.12.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel Additional Standing Counsel for the Vigilance Department.
 2. Prayer in the present case is at the instance of the petitioner to defreeze the accounts attached during and in course of investigation in connection with Balasore Vigilance P.S. Case No.27 of 2019 corresponding to V.G.R. Case No.14 of 2019 pending in the file of learned Special Judge (Vigilance), Balasore on the grounds stated therein.
 3. Perused the copy of the FIR as at Annexure-1.
 4. Learned counsel for the petitioner submits that the petitioner is the wife of the principal accused who is having independent source of income and the bank accounts have been seized without due procedure followed and while claiming so, he relies on the decision of the Apex Court in the case of **Ratan Babulal Lath Vrs. State of Karnataka** passed in Criminal Appeal No.949 of

2021 decided on 6th September, 2021. Learned counsel for the petitioner has referred to a memo of the accounts to be defreezed, which are as under:

- (i) Savings Bank A/c. No.909010035378863 at Axis Bank, Bhadrak Branch, Dist-Bhadrak.
- (ii) Savings Bank A/c. No.41320510001335 at Odisha Gramya Bank, Betada Branch, Dist.-Bhadrak.
- (iii) RD Bank A/c. No.14993161003498 at Punjab National Bank, Basudevpur Branch, Dist-Bhadrak.
- (iv) Savings Bank A/c. No.14992191005366 at Punjab National Bank, Basudevpur Branch, Dist-Bhadrak.
- (v) Savings Bank A/c. No.428053005616 at Co-operative Bank, Basudpur Branch, Dist-Bhadrak.
- (vi) All the Fixed Deposits Accounts at Co-operative Bank, Basudevpur Branch, Dist-Bhadrak

5. Mr.Niranjan Moharana, learned Additional Standing Counsel for the Vigilance Department objected to the defreezing of the bank accounts of the petitioner and justifies its attachment.

6. The Court perused the copy of the judgment of the Apex Court (supra). It is claimed that the attachment of the accounts is to be ensured by following the provisions of the P.C.Act. It is submitted by the learned counsel for the petitioner that the provisions of Section 18-A of the P.C. Act is required to be followed for the purpose freezing the account which has not been done so. In the aforesaid decision, the Apex Court held that Section 18-A of the P.C. Act is to be taken recourse to for the purpose of attachment of the bank accounts. Considering the above prayer and taking into the said judgment, the Court is of the view that the accounts of the petitioner should be defreezed.

7. Accordingly, it is ordered.

8. The CRLMC stands disposed of with a direction to defreeze the accounts of the petitioner attached in connection with Balasore Vigilance P.S. Case No.27 of 2019 corresponding to V.G.R. Case No.14 of 2019 pending in the court of learned Special Judge (Vigilance), Balasore. It is further directed that the entire exercise to be completed within a period of fortnight from the date of production of copy of this order.

9. A free copy of the order be supplied to Mr. Moharana, learned ASC for Vigilance Department for immediate compliance.

(R.K. Pattanaik)
Judge

U.K.Sahoo

