

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2016 of 2022

Rashmi Ranjan Das.

....

Petitioner

-versus-

State of Odisha (Vigilance).

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

02.08.2022

Order No.

01.

1. This matter is taken up through Hybrid mode.
2. The petitioner in this application under Section 482 of the Code of Criminal Procedure (for short “Cr.P.C.”) has prayed for quashing of the order dated 13.07.2022 passed by the learned Special Judge, Vigilance, Bhubaneswar in T.R. Case No.5 of 2008 closing the defence of the petitioner.
3. Heard the learned counsel for the petitioner and the learned Addl. Standing counsel appearing for the Vigilance Department.
4. Considering the facts and submissions made, even though this Court is not inclined to allow the prayer for examination of other witnesses, but the accused-petitioner being ready to be a witness in the aforesaid proceeding and he can also very well be a defence witness in view of the provision

contained in Section 315 of Cr.P.C., this Court while setting aside the impugned order of closing the defence, directs the trial Court to examine the accused-petitioner as a defence witness as he is ready and willing to be examined as a defence witness within seven days of receipt of copy of this order, provided the petitioner files a petition in this regard and after his examination, shall close the defence, post the case for argument and dispose of the same in the manner known to law. The petitioner must appear before the trial Court within a week hence with a copy of this order. Failure to comply with the same shall entail forfeiture of the opportunity given as above to adduce defence evidence.

5. With the aforesaid order, this CRLMC stands disposed of.
6. Urgent certified copy of this order be granted on proper application.
7. A free copy of this order be handed over to the learned counsel for the Vigilance Department.

(S. Pujahari)
Judge

MRS