

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLREVNo.821 of 2018**

***Sri Dillip Kumar Mohanty***

....

***Petitioner***

Mr. Pratik Dash, Advocate

*-versus-*

***Republic of India***

....

***Opposite Party***

Mr. S. Nayak, Advocate for Republic of India

**CORAM:**

**JUSTICE B. P. ROUTRAY**

**ORDER**

**09.03.2022**

**Order No.**

**CRLREV No.821 of 2018 & I.A. No.1154 of 2018**

05.

1. Heard Mr. Pratik Dash, learned counsel for the Petitioner as well as Mr. Sarthak Nayak, learned counsel for Republic of India.

2. Upon hearing both the parties and considering the grounds mentioned in the I.A., the delay in filing the revision petition is condoned.

3. I.A. No.1154 of 2018 is disposed of.

4. On the consent of both the parties, the CRLREV is finally heard on merit.

5. Present revision is directed against the order dated 27.06.2018 of the learned Special C.J.M. (C.B.I.), Bhubaneswar passed in SPE No.42 of 2014 wherein the prayer of the present Petitioner

along with other co-accused persons for discharge has been rejected.

6. The specific allegations as per the charge-sheet against the present Petitioner is that, he being the Director of M/s.Orisons Properties Pvt. Ltd. entered into an agreement with Rajat Choudhury, GPA holder of M/s. Artha Tatwa Infra India Ltd. for purchase of land for consideration amount of Rs.94,77,600/- and though the sale deed was executed and possession of land was delivered, but the consideration amount was not paid to AT Group of Companies.

7. It is submitted by the Petitioner that the learned court below has failed to appreciate the reply of the Petitioner to the effect that the allegations of misappropriation of sum of Rs.94,77,600/- from AT Group of Companies is not satisfied from the materials brought in course of investigation and the investigating authority have failed to bring the materials regarding business transaction between the Petitioner and AT Group of Companies. It is also submitted that since none of the depositors have raised any grievance against the Petitioner, the offences alleged against him are not satisfied to frame the charge against him for the offences.

8. On the other hand, Mr. Nayak, learned counsel for Republic of India submits that the alleged sale deed executed in favour of the Petitioner has been brought on record in the charge-sheet and as such no merit is there in the submission of the Petitioner to discharge him.

9. Law is settled regarding discharge that a roving inquiry is not permissible at the stage of framing of charge, but what is to be seen that if any prima facie case is made out on the basis of materials brought in course of investigation.

10. In the present case, the offences alleged are under Secs.120-B/294/341/406/409/420/467/468/471/506/34, I.P.C. When the sale transaction through execution of the sale deed between the Petitioner and AT Group of Companies is not disputed, the only material to be seen is whether due consideration amount has been paid to the seller. The Petitioner is unable to bring to notice of this Court any such material regarding payment of consideration money upon execution of the sale deed. Thus prima facie case is clearly made out against the Petitioner. As such, I do not see any infirmity in the order of the learned Special C.J.M. (C.B.I.), Bhubaneswar in rejecting the prayer of the Petitioner.

11. In the result, the CRLREV is dismissed.

**( B.P. Routray )**  
**Judge**