

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREVNo.822 of 2018

Sri Sagar Kumar Ray

....

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.822 of 2018 & I.A. No.1156 of 2018

06.

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.1156 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 against the present Petitioner is to the effect that he was the Director of M/s.Orisons Group of Companies as well as the Director of M/s.Artha Tatwa Consultancy Pvt. Ltd, M/s.Artha Tatwa World Ventures Pvt. Ltd., M/s.Artha Tatwa Enterprises Pvt. Ltd. A sum of Rs.3,16,00,000/- was diverted to the personal accounts of the Petitioner from the account of AT Group of Companies and a further sum of Rs.17,64,389/- was received by the Petitioner through his partnership firm namely, M/s.Orisons Minerals & Properties for sale of vehicle though no such vehicle was sold.

7. It is submitted by the Petitioner that the allegations made against him are totally false and fabricated and not borne on record. In fact, the Petitioner was cheated by the principal accused Pradeep Kumar Sethi in the business transaction for which he resigned from AT Group of Companies since 2011. It is also submitted that the Petitioner has no nexus with money collection and circulation nor any grievance is raised against him by any depositor. As such, no offence is made out against him to justify the charge.

8. On the other hand, Mr. Nayak, learned counsel for Republic of India submits that the transfer of money between AT Group of Companies and the Petitioner has been shown in bank transactions and through various other documents. Therefore, no

illegality is there in the order of the learned Special C.J.M. (C.B.I.), Bhubaneswar in rejecting his prayer for discharge.

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. As seen from the record, the transaction of money between AT Group of Companies and the Petitioner has been shown through documents collected in course of investigation. It is true that the position of the Petitioner in different companies of AT Group as one of the Directors is not disputed though it is contended that the Petitioner resigned as such in the year 2011. The money transacted in favour of the Petitioner through various documents purportedly collected in course of investigation prima facie makes out a case against the Petitioner to frame the charge. Nonetheless the admissibility and proof of those documents is a matter subject to trial. 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