

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2260 of 2022

Chaturbhuja Sandha

Petitioner

Mr. N. Panda, Advocate

-Versus-

State of Odisha (Vigilance)

....

Opposite Party

Mr. N. Maharana, ASC for Vigilance

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
24.11.2022

Order
No.
01.

1. Heard learned counsel for the petitioner and learned counsel for the Vigilance Department.
2. Prayer in the present case is for quashing of the impugned order dated 21st July, 2022 i.e. Annexure-3 passed in G.R. Case No.32 of 2015 corresponding to CTR No.30 of 2022 pending in the file of learned Special Judge (Vigilance), Balangir on the grounds inter alia that the same is not tenable in law and thus liable to be quashed in the interest of justice.
3. Mr. panda, learned counsel for the petitioner submits that there is no offence committed by the petitioner considering the fact that he procured paddy from the local farmers (bhagchasi) but then with unjust allegations, an FIR was lodged by the Vigilance Department in the year 2015 registered under Sections 13(2) read with 13(1) (c) (d) of the PC Act besides Sections 471, 420, 120-B IPC which is sustainable in law. It is claimed that the petitioner at the relevant point of time was the Secretary of Tarava PACS and

whatever he did was towards procurement of paddy from the local farmers as per the guidelines of the Government.

4. In response to the above, Mr. Maharana, learned counsel for the Vigilance Department submits that there has been huge loss to the State revenue on account of the illegality committed by the petitioner and while contending so, he refers to the chargesheet, a copy which is at Annexure-2 series. It is submitted that the petitioner being the public servant abused his official position and entered into a criminal conspiracy with the local miller, manipulated official documents and used fake FICS but then showed official favour to the so-called farmers and thus committed criminal misconduct as a consequence whereof the genuine farmers were deprived of their right to sell the cultivated paddy at PACS and had to dispose it of at low cost to the paddy brokers and businessmen. Thus, Mr. Maharana, learned counsel for the Vigilance Department submits that there is prima facie case against the petitioner to face the trial.

5. At this juncture, Mr. Panda, learned counsel for the petitioner while opposing the contention of Mr. Maharana, learned counsel for the Vigilance Department submits that if the Court is not inclined to interfere with the criminal proceeding in G.R. Case No.32 of 2015 pending before the learned court below, a target may be set court to commence the trial and accomplish it within a time frame which would serve the purpose for the present.

6. Considering the limited prayer of Mr. Panda, CRLMC stands disposed of with a direction to the learned Special Judge (Vigilance), Balangir to immediately frame charge vis-à-vis the petitioner and commence the trial in G.R. Case No.32 of 2015

corresponding to CTR No.30 of 2022 and ensure its closure as expeditiously as possible.

7. A copy of the above order be immediately communicated to the court concerned for compliance.

8. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU

