

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 745 of 2018

Basanta Kumar Das

.....

Petitioner

Mr. K.C. Sahu, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

13.09.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. K.C. Sahu, learned counsel for the petitioner and Mr. A.K. Mishra, learned Additional Government Advocate for the State.

3. The Petitioner has filed this writ petition challenging the notice of show cause issued after the petitioner was convicted in a vigilance case under Section 7 and 13 (1)(d) (i) (ii) of the PC Act and punishable under Section 13 (2) of the PC Act and under Section 248 (2) of Cr.P.C. and accordingly sentenced to undergo R.I. for one year to pay fine of Rs.2000/- in default to undergo R.I. for three months for the offence under section 7 of P.C. Act and R.I. for two years and to pay fine of Rs.10,000/- and in default to further undergo R.I. for six months for the offence under section 13 (1)(d) (i) (ii) of the PC Act and all sentences shall run concurrently.

4. Since the petitioner was convicted in a vigilance case, against notice of show cause, the writ petition is not maintainable and as such, this question has come up for consideration before this Court in W.A. No. 558 of 2019 (*Suresh Chandra Mishra v. State of*

Orissa and others) 2020 (II) ILR CTC-383, where this Court has already held that against notice of show cause in a case of conviction, the writ petition is not maintainable.

5. In view of that, the writ petition merits no consideration and the same stands dismissed.

(DR. B.R. SARANGI)
JUDGE

Arun

