

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.1276 of 2015

Indrapati Behera

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

22.12.2022

Order No

07. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. G.R. Sethi, learned counsel for the Petitioner and Mr. D.K. Mohanty, learned Standing Counsel appearing for the Opp. Parties.

3. The present writ petition has been filed challenging the order of discharge passed on 29.03.2014 under Annexure-2.

4. Learned counsel for the Petitioner contended that since at the time of his appointment the Petitioner had not disclosed about his implication in Ganjam P.S. Case No. 9 dtd.28.02.2012, Opp. Party on coming to know about the same issued the order of discharge on 29.03.2014 under Annexure-2. However, It is contended that in the meantime the Petitioner has been acquitted in the said criminal proceeding vide Judgment dtd.24.10.2017 in S.T. Case No. 220 of 2012 by the learned Asst. Sessions Judge, Chhatrapur, Ganjam. Mr. Sethi accordingly submitted that in view of his acquittal as well as in view of the decision of this Court passed on 06.09.2022 in

W.P.C.(OAC) No. 1058 of 2016, the discharge of the Petitioner needs reconsideration by the O.P. No. 1.

5. Mr. D.K. Mohanty, learned ASC on the other hand submitted that since at the time of making the application as well as while filling up the verification roll, the Petitioner never disclosed about his implication in the aforesaid criminal case, no illegality can be found with the order of discharge.

6. Having heard learned counsel for the Parties and taking into account the fact that the Petitioner has been acquitted in the criminal proceeding vide Judgment dtd.24.10.2017, this Court while quashing the impugned order dtd.29.03.2014 under Annexure-2, directs the O.P. No. 1 to reconsider the matter. While reconsidering the same, the O.P. No.1 shall take into consideration the relevancy and effect of the Judgment of this Court passed on 06.09.2022 in W.P.C.(OAC) No. 1058 of 2016 as well as the order of acquittal passed in the criminal proceeding. Such reconsideration shall be made and communicated to the Petitioner within a period of two (2) months from the date of receipt of this order. Petitioner is directed to produce a copy of this order along with the Judgment passed in W.P.C.(OAC) No. 1058 of 2016 before the O.P. No. 1 within a period of 10(ten) days from the date of receipt of this order.

7. The writ petition is disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Sneha