

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1769 of 2020

Ramesh Chandra Padhy ***Petitioner***

-versus-

State of Odisha & another ***Opposite Parties***

CORAM: JUSTICE S.PUJAHARI

ORDER

03.08.2022

Order
No.

02.

1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioner and the learned counsel for the Vigilance.
3. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 10.05.2012 passed by the learned Addl. Special Judge, Vigilance, Bhubaneswar in T.R Case No.32 of 2012 wherein the learned Addl. Special Judge has taken cognizance under Section 13(2) read with Section 13(1)(c)(d) of the P.C Act against him.
4. Learned counsel for the Petitioner submits that the charge sheet was filed in the year 2012 and the cognizance was taken on 10.05.2012. Since the trial of the aforesaid case has not been concluded till yet and the Petitioner is an old aged man and suffering from different old age ailment, the prosecution is liable to be quashed qua the Petitioner, submits the learned counsel for the Petitioner.

5. Controverting the submission of the learned counsel for the Petitioner, learned counsel for the Vigilance submits that the delay in disposal of the case is not a ground to quash the proceeding, especially when the delay is not inordinate and not attributable to the prosecution solely.

6. Considering the facts and the submissions made, this Court is not inclined to interfere with the impugned order.

7. Accordingly, this CRLMC stands dismissed.

8. However, it is observed that since the aforesaid case is year old one, the court in seisin over the matter shall take all effective steps to frame the charge after hearing the accused persons and going through the materials available on record. If the court in seisin over the matter finds that there are sufficient materials to proceed against them, the trial of the aforesaid case shall be concluded as expeditiously as possible, preferably within one year of framing of the charge. If any of the accused persons are not cooperating in commencement of the trial i.e. in hearing on the question of charge, coercive action be taken against them to procure their attendance for framing of the charge.

9. Urgent certified copy of this order be granted on proper application.

10. Free copy of this order be supplied to the learned counsel for the Vigilance.

(S. Pujahari)
Judge