

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3818 of 2022

Achyutananda Mishra

....

Petitioner

Mr. Chandrakanta Nayak, Advocate

-Versus-

State of Odisha (Vigilance) and Another

Opposite Parties

Mr. Niranjana Moharana,
ASC Vigilance Department

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
21.12.2022

Order No.

01. 1. Heard learned counsel for the petitioner and learned counsel for the Vigilance Department.
2. Instant petition under Section 482 Cr.P.C. is filed by the petitioner for quashing of the notice under Section 160 Cr.P.C. in Cuttack Vigilance P.S. Case No.59 of 2014 pending in the court of learned Special Judge, Vigilance, Cuttack on the ground stated therein.
3. Learned counsel for the petitioner submits that some amount has been deposited as against the loan received by the petitioner in the meantime but during investigation, the Vigilance Department issued notice under Section 160 Cr.P.C. which is not tenable in law.
4. Mr. Moharana, learned ASC for Vigilance Department submits that the petitioner is one of a loanees who by fraudulent means obtained loan from the bank whereafter the FIR was lodged

against him. It is submitted that the investigation is in progress. It is also submitted that the investigation is at its fag end.

5. Without expressing anything on the merits as to the contention of the petitioner, the Court is of the view that petitioner should participate and cooperate in the investigation. In other words, the Court is not inclined to quash the notice issued under Section 160 Cr.P.C. by the Vigilance Department against the petitioner.

6. Learned counsel for the petitioner apprehends the arrest of the petitioner by the Vigilance Department due to the fact that notice has been issued under Section 160 Cr.P.C and in response to the above, Mr. Mohapatra assures that he is not going to be arrested during investigation despite such notice.

7. Considering submissions made, this Court directs that the petitioner should cooperate in the investigation by appearing before the IO on the date fixed.

8. Accordingly, it is ordered.

9. Consequently, the CRLMC stands disposed of in the above terms with a direction that the petitioner shall not be arrested till he cooperates in connection with Cuttack Vigilance P.S. Case No.59 of 2014 pending in the file of the learned Special Judge, Vigilance, Cuttack.

10. Issue urgent certified copy of this order as per rule.

11. A free copy of this order be supplied to Mr. N. Moharana, for intimation.

(R.K. Pattanaik)
Judge