

IN THE HIGH COURT OF ORISSA AT CUTTACK

TRPCRL No.114 of 2022

Madan Mohan Samantaray Petitioner

-versus-

State of Odisha & Anr. Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
12.12.2022**

Order No

- 01.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Ms. T. Mohapatra, learned counsel for the Petitioner and Ms. J.R. Tripathy, learned Addl. Standing Counsel appearing for the Vigilance Department.
3. This transfer petition has been filed seeking transfer of C.C. Case No. 11 of 2013 from the file of Authorized Officer, Bhubaneswar to the Court of Authorized Officer, Cuttack.
4. It is not disputed that the matter in question is at the stage of argument after completion of the evidence from both the sides. It is the main contention of the learned counsel for the Petitioner that the concerned Authorized Officer is biased towards the Petitioner and the Petitioner will not get justice from her. It is also contended that the learned Authorized Officer is not allowing the Petitioner to place her case by way of argument and by filing written notes of submission as well as the citations in support of his case.
5. On the other hand Ms. Tripathy, learned counsel appearing for the Opp. Parties submitted that the matter is at the stage of

argument and both the counsels appearing for the Parties should be given due opportunity by the learned Authorized Officer to place their case basing on the materials available on record.

6. Having heard learned counsel for the Parties and taking into account the grounds taken in the transfer petition though this Court is not inclined to entertain the prayer, but observes that the learned Authorized Officer shall give due opportunity of hearing to both the Parties and both the Parties will be at liberty to place their arguments by filing their written notes of submissions and citations in support of their case. Learned Authorized Officer shall take into consideration all those aspects while passing the final order in the above said case. Learned Authorized Officer is also directed to verify as to whether the license of the learned Public Prosecutor has been cancelled/suspended by the Bar Council and if that be so, appropriate action be taken in the matter.

7. The transfer petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha