IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.690 of 2024

Nalini Ranjan Bohidar .... ***Petitioner(s)***

Mr. A. K. Acharya, Advocate

-versus-

State of Odisha (Vigilance) .... ***Opposite Party(s)***

Mr. S. Das, SC (Vigilance)

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER
20.12.2024

Order No.

03. 1. Heard.

2. In this petition, the petitioner is seeking quashing of the order dated 03.09.2018 passed by the learned Special Judge (Vigilance), Cuttack in T.R. Case No.81 of 2009, whereby the learned Court below has framed the charges against the petitioner and five other co-accused persons for the alleged commission of offences punishable under Sections 13(2)/13(1)(d) of the P.C. Act read with Section 120-B/420 of I.P.C. while rejecting their application for discharge.

3. Learned counsel for the petitioner submits that the co-accused persons namely Babaji Charan Khuntia, Dinabandhu Patnaik, Nrusingha Charan Panda and Manohar Jaiswal had

approached this Court by filing Criminal Revision Petitions being CRLREV Nos.858, 859, 860 and 861 of 2018. This Court vide a detailed judgment dated 29.10.2024 has allowed the Criminal Revision Petitions and discharged the above named accused persons from all the offences charged with. Relying upon the aforesaid judgment passed by this Court on 29.10.2024, the petitioner has filed the present petition seeking similar order.

4. Mr. Das, learned Standing Counsel for the Vigilance Department has vehemently opposed the prayer made by the petitioner on various grounds. He has submitted that the allegation against all the accused persons are different and the petitioner cannot draw the advantage of the judgment of this Court passed in regard to the co-accused persons.

5. I have carefully gone through the allegation made against the present petitioner in the charge-sheet and the materials form thereof and compared the same vis-à-vis the other accused persons in favour of whom, this Court has already allowed the petitions. I find no substance in the submission made by Mr. Das, learned Standing Counsel for the Vigilance Department.

6. The overt act attributed to the petitioner in the charge-sheet is not different from the allegation made by the prosecution against

all other co-accused persons, whose petition has been allowed by this Court. This Court vide a very detailed judgment dated 29.10.2024 has allowed the prayer made by the co-accused persons and discharge them from all the offences. Therefore, there is no scope of taking a different view in the present matter other than the view already taken by this Court in ***Babaji Charan Khuntia and batch*** (supra). Hence, I am inclined to allow this petition.

7. Accordingly, in the light of the judgment of this Court dated 29.10.2024 in CRLREV Nos.858, 859, 860 and 861 of 2018, in the case of ***Babaji Charan Khuntia and batch***, the impugned order dated 03.09.2018 passed by the learned Special Judge (Vigilance), Cuttack in T.R. Case No.81 of 2009 qua the petitioner is quashed.

8. The CRLREV is allowed.

(S.S. Mishra)
Judge

Swarna

Signature Not Verified
Digitally Signed
Signed by: SWARNAPRAVA DASH
Reason: Authentication
Location: High Court of Orissa
Date: 24-Dec-2024 13:09:07