IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLLP No.37 of 2012

State of Orissa **.....** ***Petitioner***

Represented By Adv. – Sangram Das, Standing Counsel for the Vigilance Department

-versus-

R.Adi Achariyalu **.....** ***Opp. Party***

Represented By Adv. -

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
11.12.2025

Order No.

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

2. Heard Shri Sangram Das, learned Standing counsel for the Vigilance Department-Petitioner. Perused the application as well as the prayer made therein.

3. By filing the present application under Section 378 (1) & (3) of the Cr.P.C with a prayer for grant of leave to prefer an appeal against judgment dated 10.08.2011 passed by the learned Special Judge, Vigilance, Jeypore in G.R Case No.24 of 1992(V) which corresponds to T.R No.69 of 2007 for commission of an offence punishable under Sections 13(1)(e)/ 13(2) of the Prevention of Corruption Act, 1988.

4. On perusal of the record, it appears that the abovenoted case arises out of a vigilance FIR wherein it has been alleged that the Opposite Party was found to be possessing assets which are disproportionate to his known sources of income to the tune of Rs.9,40,640/- (Rupees nine lakh forty thousand six hundred forty at the time while he was working as a public servant in the Agriculture department under Government of Odisha from 18.02.1961 to 04.01.1992. On the basis of the aforesaid allegation, the Petitioner faced the trial. The learned trial court by virtue of a detailed judgment dated 10.08.2011 has failed to establish the case of the prosecution beyond all reasonable doubt and, accordingly, held that the accused is not guilty of the offences as alleged against the present Petitioners. Being aggrieved by the aforesaid judgment of acquittal, the Petitioner has approached this Court by filing the present leave application under Section 378 of the Cr.P.C mainly on the grounds taken in the petition at Sl. Nos.4, 6 & 7.

5. On a perusal and careful examination of the grounds No.4, 6 & 7 and on a close scrutiny of the impugned judgment, this Court is of the view that the learned trial court has taken into consideration the entire evidence and by virtue of a detailed judgment has come to the conclusion. As such, this Court finds no infirmity with the judgment of the learned trial court.

6. On further verification of the record it appears that present appeal was presented with a delay of 128 days. Although notices were issued, however, there is no confirmation with regard to the service of the notice on the accused. It further appears that the case is pending since 2012. In view of the aforesaid position, this Court is not inclined to interfere with the impugned judgment on merits

as well as on the ground of limitation.

7. Accordingly, the leave application stands dismissed.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 12-Dec-2025 18:58:16