IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.593 of 2026

Amit Kumar @ Amit Kumar Swain .... ***Petitioner(s)***

Mr. Jugala Kishore Panda, Adv.

-versus-

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

Ms. Gayatri Patra, ASC

CORAM:
HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

Order No.	**ORDER**
05.	**09.04.2026**

1. This matter is taken up through hybrid arrangement.

2. By filing the present CRLMC, the Petitioner has prayed for a direction to the Investigating Officer in EOW P.S. Case No.14 dated 28.10.2021 to complete the investigation and submit the report before the learned trial Court within a stipulated period.

3. Heard.

4. The prosecution case, in brief, is that on 28.10.2021, Rikab Chand Munot @ Mukesh Jain of New Delhi filed a complaint before the Superintendent of Police, EOW CID CB, Bhubaneswar. He stated that in 2017 he met Rajesh Gahlot, who introduced him to Suryamani Tripathy, falsely claiming to be an IAS officer (Additional Secretary, Govt. of Odisha, PWD). The accused promised to secure pipeline contract work under a Prime Minister scheme.

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5. Subsequently, Suryamani Tripathy introduced the Petitioner and the complainant was induced to execute an agreement with the Assistant Engineer's office at Nirman Soudh, Bhubaneswar. On their instructions, he deposited ₹25 lakhs in the treasury for registering his firm (M/s Rastriya Stainless Steel) to obtain tenders.

6. The accused later provided two purported work orders worth ₹3 crore and ₹4 crore. It is alleged that the accused, acting in conspiracy and impersonating IAS, RAW, and PWD officials, fraudulently obtained a total of ₹1.17 crore from the complainant through cash and bank transactions using forged and fake documents.

7. Based on the aforesaid allegations, the Superintendent of EOW, CID, CB, Bhubaneswar registered P.S. Case No.14 of 2021 under Sections 419, 420, 467, 471, and 120-B of the IPC against the accused persons and directed Trilochan Sethy, Deputy Superintendent of EOW, CID, CB, Bhubaneswar to conduct the investigation.

8. During the course of investigation, it is alleged that the Investigating Officer, without proper inquiry, apprehended the Petitioner on 29.10.2021 (the day following the FIR) and forwarded him to the Court without following due procedure of law. It is further stated that while the Petitioner was in judicial custody, the Investigating Officer, in order to avoid the Petitioner's statutory right regarding timely filing of the charge sheet, submitted a preliminary charge sheet on 24.02.2022 while keeping the investigation open under Section 173(8) Cr.P.C. for further evidence collection.

9. Learned counsel for the Petitioner submits that in the year 2017, the Petitioner came into contact with the informant through one Surymani Tripathy for the purpose of negotiating a coal and steel business in the State of Odisha. During the course of such negotiations, the Petitioner, the informant and the informant's son, in the presence of their Advocate, mutually agreed to expand their business activities in the field of coal and steel.

10. It is further submitted that pursuant to such agreement, a partnership was formed between the parties. A partnership deed was duly prepared by the Advocate of the informant and executed on 17.10.2017 at the Bhubaneswar Court premises, which document has since been seized by the Investigating Officer in the present case.

11. Learned counsel submits that in the course of business, certain disputes arose between the Petitioner and the informant. Subsequently, on 23.07.2020, the informant lodged a complaint before the Deputy Commissioner of Police, New Delhi, alleging that the Petitioner and others, in conspiracy, impersonated themselves as officers of the I.A.S., RAW, and P.W.D. and dishonestly induced the informant to part with a sum of Rs.90,00,000/- for the purpose of arranging work orders.

12. It is submitted that the said complaint was duly enquired into by the Police at Chanakyapuri, New Delhi, which ultimately concluded that the dispute between the parties was of a civil nature arising out of financial transactions and no cognizable offence was made out. It is

further submitted that the informant failed to cooperate with the enquiry and did not furnish relevant documents despite being called upon to do so.

13. The learned counsel further submits that during the pendency of the said enquiry, the informant, suppressing the fact of the earlier complaint and its outcome, lodged a fresh FIR before the EOW Police Station, Bhubaneswar on 28.10.2021, on the basis of which EOW P.S. Case No.14 of 2021 was registered and investigation was commenced.

14. It is further submitted that as per the report of the Assistant Commissioner of Police, New Delhi, dated 29.11.2021, the earlier complaint along with the enquiry report was forwarded to the Commissioner of Police, Bhubaneswar. However, the EOW Police failed to take the said report into consideration and proceeded with the investigation in the present case.

15. The learned counsel contends that the subsequent complaint filed before the EOW, Bhubaneswar pertains to the self-same allegations and has been instituted with mala fide intention and ulterior motive, after the informant failed to succeed in the earlier complaint lodged at New Delhi.

16. It is further submitted that the entire case of the prosecution is based on documentary evidence allegedly produced by the informant, which, according to the petitioner, are fabricated and manufactured solely to falsely implicate the petitioner and to evade the informant's own liabilities.

17. The learned counsel submits that even the preliminary charge sheet filed in EOW P.S. Case No. 14 of 2021 does not disclose any material evidencing monetary transactions amounting to Rs. 1,17,00,000/- between the petitioner and the informant. It is further submitted that the investigation remains incomplete and no final charge sheet has been filed to date.

18. It is submitted that the petitioner has fully cooperated with the investigation, appearing as and when required and furnishing all necessary documents. The Investigating Officer filed a partial charge sheet on 24.02.2022 under Section 173(8) Cr.P.C., keeping the investigation open.

19. The learned counsel submits that despite the lapse of more than five years, the Investigating Officer has deliberately kept the investigation pending without any new material evidence, thereby causing severe mental harassment and social stigma to the Petitioner.

20. It is contended that such inordinate and unexplained delay violates the petitioner's fundamental right to a speedy investigation and trial, which is an integral part of Article 21 of the Constitution of India.

21. It is further submitted that keeping the investigation open indefinitely after filing a charge sheet amounts to an abuse of the process of law. The provision for further investigation cannot be misused as a tool to harass the petitioner by keeping the matter perpetually pending.

22. The learned counsel submits that the dispute between the parties is purely civil in nature arising out of a business transaction governed by a partnership deed and there was no fraudulent or dishonest intention at the inception, which is an essential ingredient for constituting an offence under Section 420 IPC.

23. It is further submitted that the Supreme Court has consistently held in various judgments that prolonged investigation without justification is liable to be quashed. In the present case, there is no fresh material to justify continuation of the investigation for such an extended period.

24. In view of the aforesaid facts and circumstances, the petitioner has no efficacious alternative remedy and has approached this Court seeking a direction to the Investigating Officer in EOW P.S. Case No.14 of 2021 to complete the investigation and submit a final report before the learned trial Court within a stipulated time.

25. Learned counsel for the State submits that the delay in completion of investigation, if any, is neither intentional nor deliberate but is attributable to the complexity and magnitude of the case and the necessity of collecting and verifying extensive documentary and financial evidence.

26. Considering the submissions advanced by the learned counsel for the respective parties and upon perusal of the case record, this Court deems it appropriate to direct the Investigating Agency to expedite the investigation and conclude the same as early as possible, in

accordance with law, so as to facilitate early commencement and conclusion of the trial.

27. It is further observed that any undue delay in the investigation may prejudice the rights of the parties and defeat the ends of justice; hence, the Investigating Agency shall act with due diligence and promptitude.

28. Accordingly, the CRLMC stands disposed of.

29. It is made clear that this Court has not expressed any opinion on the merits of the case.

30. Issue urgent certified copy of this order as per Rules.

(Dr. Sanjeeb K Panigrahi)
Judge

Sipun