

FORM-A
IN THE COURT OF THE SPECIAL JUDGE,
(VIGILANCE), BOLANGIR.

Present:

Sri Benudhar Patra, OSJS,
Special Judge (Vigilance), Balangir
(J.O. Code- OD00611)

Dated, this the 10th day of August, 2026

C.T.R.No. 06 of 2023
(Regn. No.CRLT 71 of 2021)
(Arising out of Sambalpur Vigilance P.S.Case No. 13 of 2020)

COMPLAINANT	The State of Odisha (Vigilance Department)
REPRESENTED BY	Sri J.K.Sahu, Special P.P, (Vigilance), Balangir & Sri S.R.Rath, Spl. P.P, (Vigilance), Balangir.
ACCUSED PERSONS	1. Pranab Kumar Mohanty , aged about 65 years, S/o- Late Dayanidhi Mohanty, R/o village Bhadimul, P.S- Chauliaganj, Dist:- Cuttack, Ex- DFO (KL) Patnagarh, retired as DFO(KL) Balangir. 2. Chitaranjan Dehuri , aged about 59 years, S/o- Late Biranchi Dehuri, R/o Dimirikhol, P.S- Khajuripada, Dist:- Kandhamal, Ex- in-charge Range Officer, Ghasian South,KL Range, Patnagarh Division and at present Deputy Ranger, attached to KL Division, Balangir.
REPRESENTED BY For Accused No.1 For Accused No.2.	Sri Prabin Kumar Mishra, Advocate & associates. Sri Bijayananda Mishra, Advocate & associates.

Status of the accused: The accused persons are on Court bail.

FORM-B

Date of offence					08.06.2020 & before		
Date of F.I.R.					08.06.2020		
Date of charge sheet					02.08.2022		
Date of framing of Charges					04.05.2024		
Date of commencement of evidence					03.07.2024		
Date on which judgment is reserved					22.07.2026		
Date of the Judgment					10.08.2026		
Date of the Sentencing Order, if any					10.08.2026		
Accused Details							
Ran k of the Acc use d	Name of the Accused	Date of Arrest	Date of release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during trial for purpose of section 428 Cr.P.C
1	Pranab Kumar Mohanty	10.06.2020	23.07.2020	U/s 7 of Prevention of Corruption Act, 1988 as amended by the P.C.(Amendme nt) Act, 2018	Convicted	R.I. for three years and to pay a fine of Rs.10,000/- i.d to undergo RI for two months U/s 7 P.C. Act, 1988 as amended by P.C Amendment Act, 2018.	10.06.2020 to 23.07.2020
2	Chitaran jan Dehuri	10.06.2020	23.07.2020	U/s 12 read with section 7 of Prevention of Corruption Act, 1988 as amended by the P.C.(Amendme nt) Act, 2018 .	Convicted	R.I. for three years and to pay a fine of Rs.10,000/- i.d to undergo RI for two months U/s 12 r/w 7 P.C. Act, 1988 as amended by P.C amendment Act, 2018.	10.06.2020 to 23.07.2020

JUDGMENT

Accused Pranab Kumar Mohanty, a public servant working as Divisional Forest Officer (KL), Patnagarh stands charged for the offence punishable under section 7 of the Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amendment) Act, 2018 (for short, the P.C. Act, 1988, as amended) for obtaining undue advantage by demanding and accepting illegal gratification of Rs.1,66,000/- from the complainant as a reward. Accused Chitaranjan Dehuri, Deputy Ranger, Ghasian KL Range, Patanagarh Division stands charged for the offence punishable under section 12 read with section 7 of the Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amendment) Act, 2018 (for short, the P.C. Act, 1988, as amended) for abetment of commission of such offence.

2. Tersely put, the prosecution runs as follows:

Accused No.1, Pranab Kumar Mohanty during the relevant time was working as Divisional Forest Officer (KL) Patnagarh and during such time accused No.2, Chitaranjan Dehuri was working under him as Deputy Ranger, In-charge Range Officer, Ghasian KL Range, division Patnagarh. Informant Jagannath Das was also working under accused No.1 as Range Officer, Patnagarh Kendu leaf Range, Patnagarh. From March, 2020 to May, 2020. Accused No.1-Sri Pranab Kumar Mohanty, DFO (KL) Patnagarh Division had

transferred an amount of Rs. 10.37.000/- to the official Bank Account vide A/c No.32266427410 of the complainant for maintenance and repair work of the Phadis under him which he utilized for the said work. But accused No.1 Sri Mohanty, DFO (KL) demanded an amount of Rs.1,66,000/- from him @ 16% as his percentage. When the complainant expressed his inability to pay such amount as he has already spent all the sanctioned amount in the repair and maintenance work of Kendu Leaf Phadies under his jurisdiction, the accused No.1-DFO threatened him to draw proceedings against him and suspend him if he would not pay the demanded amount. The DFO also called him to his office for discussion on dt. 08.06.2020 morning. Finding no other way, the complainant reported the matter before the DSP, Vigilance, Balangir orally, who directed Sri S.N. Pani, Inspector, Vigilance, Balangir Unit to verify secretly the truthfulness of the allegations. Accordingly, Sri Pani and the complainant went to the Office of DFO (KL) Patnagarh where Sri Pani handed over a small voice recording device to the complainant and instructed him to record the conversation with the accused No.1-DFO. Thereafter, the complainant went to the Office Chamber of the accused No.1-DFO where the accused No.1 reiterated the demand of Rs.1,66,000/- and directed him to pay the demanded amount of Rs.1,66,000/- to Ghasian, South Range Officer-accused

No. 2. After returning from the Office of the accused No.1-DFO (KL), the complainant and Sri Pani went near the office of the complainant and therefrom the complainant called the accused No.2 from his mobile phone telling him that he met accused No.1.-DFO (KL) in his Office on 08.06.2020 who demanded Rs.1,66,000/- as his percentage and directed him (complainant) to hand over the amount to him (accused No.2) on coming Wednesday, to which the accused No.2 agreed to collect the amount from him on Wednesday. Thereafter, the complainant and Sri Pani returned to Vigilance Unit Office, Balangir and the conversation recorded in the small recording device was heard by the vigilance officials. A memorandum containing transcript of the conversation between the complainant and accused No.1 was prepared. Thereafter, the complainant lodged an FIR before S.P Vigilance, Sambalpur through D.S.P, Vigilance, Balangir against both the accused persons on 08.06.2020 which was registered U/s 7/7(a)/12 of the P. C (Amendment) Act, 2018 and Sri Sadananda Pani, the then Inspector of Police, Vigilance was directed to investigate into the matter as a Trap Laying Officer. On 10.06.2020, Inspector of Vigilance, Sri Pani in order to lay a trap made preparation in the Vigilance Unit Office, Balangir at 6.30 A.M in presence of the complainant Sri Jagannath Das and two official witnesses Bidhan Kumar Nayak, Jr. Engineer and Sri

Madhusudan Meher, Asst. Engineer, both are of the office of Executive Engineer, RW Division, Balangir, along with other Vigilance staff. After demonstration of chemical reaction of sodium carbonate solution with phenolphthalein powder, phenolphthalein powder was smeared over the G.C notes of Rs. 1,66,000/- in the shape of 332 number of Rs.500 rupee GC notes produced by the complainant and the tainted GC notes were handed over to the complainant and he was asked to hand over the same to accused No.2 on his demand. Sri Bidhan Kumar Nayak, Jr. Engineer was selected as accompanying witness whereas the other official witness Sri Meher was selected as magisterial witness and a trap team was formed. All of them proceeded to the Range Office, KL Patnagarh and a trap was laid where the accused No.2 Sri Dehuri was caught red-handed while accepting the bribe money of Rs.1,66,000/- from the complainant as per the previous demand of accused No.2. It is the prosecution case that After the arrival of the complainant at the Range Office, he contacted accused No.2-Sri Dehuri, Deputy Range Officer, Ghasian South (KL) Range over his telephone to come and receive the amount as demanded by the DFO Sri Mohanty. Accordingly, Sri Dehuri arrived at his office in a Bolero vehicle, entered in to his office room and asked the complainant to hand over the demanded bribe money of Rs.1,66,000/- Thereafter, the complainant handed over the tainted

bribe money of Rs.1,66,000/- to accused No.2 who received the same in his right hand and counted with both of his hands. The accompanying witness Sri Nayak witnessed the transaction of bribe money and after the transaction was over, gave the signal to the trap team members who rushed to the spot and on being challenged, the accused No.2 confessed to have received the bribe money from the complainant as per the direction of the accused No.1-DFO and finally the bribe money was recovered at the instance of the accused No.2. Being led by accused No.2, the trap team proceeded to the office of accused No.1 where both of them were confronted, but accused No.1 denied to have demanded any bribe from the complainant through accused No.2. After the formalities of search and seizure, T.L.O, Sri Pani prepared a detection report, which was signed by all present there and as per the direction of the S.P Vigilance, Sambalpur Sri Pani handed over the charge of the investigation of the case to DSP, Vigilance, Smt. Kadambini Samal. During the course of investigation, the I.O collected the sample voice of accused No.1 and 2 separately in presence of witnesses and prepared separate memorandum, the accused persons were arrested in connection with this case and forwarded to the Court in custody, the statements of complainant and the accompanying witness were recorded U/s 164 of Cr.P.C. The sample exhibits were sent for chemical examination and

opinion to RFSL, Sambalpur and the chemical examination report was obtained. The I.O also sent the sample voice and questioned voice of accused No.1 and 2 and that of the complainant to the SFSL, Rasulgarh for examination and thereafter, she handed over charge of investigation to Smt. Ritanjali Pradhan, Inspector of vigilance of Balangir unit, who received the chemical examination report from the SFSL, Rasulgarh. Sanction orders for prosecution of the accused persons were also obtained from their sanctioning authority and after completion of investigation charge sheet was submitted against them U/s 7/12 P.C (Amendment) Act, 2018 to stand their trial in the Court of law.

3. The accused persons pleaded innocence and false implication. However, in his statement U/s 313 of Cr.P.C, accused Sri Mohanty took a plea that he had allotted a sum of Rs. 10,05,000/- to the complainant through official accounts for repair of Phadis (Godown). As there was no visible progress in the work, he warned the complainant. On 2nd June, 2020, he verified the accounts of the complainant regarding release of the fund for the purpose of repair work, but as per accounts, cash of Rs.1,34,000/- should have been there in the chest, but cash of Rs. 63,000/- was available in the chest and rest Rs. 73,000/- was spent by the complainant as per his (complainant) version. He issued a camp memo directing him to deposit the

amount or else warned him to face departmental proceeding. So, being apprehensive, he has foisted this false case. Further, accused Sri Dehuri took the plea that he being a subordinate to the complainant, on his call, had been to the office of the complainant on the date of detection of this case.

4. The points for determination in this case, as formulated are as follows;

(i) Whether accused Pranab Kumar Mohanty was a public servant at the relevant time of occurrence, more particularly on the date of trap i.e., 10.06.2020?

(ii) Whether accused Pranab Kumar Mohanty, on 10.06.2020 being a public servant obtained and accepted undue advantage by demanding Rs. 1,66,000/- from the complainant and accepted it through accused Chitaranjan Dehuri, as a reward to perform his public duty improperly and dishonestly?

(iii) Whether on 10.06.2020 at about 9.45 A.M in the office of Range Officer, Patnagarh, accused Chitaranjan Dehuri intentionally aided the commission of offence U/s 7 of the Act by accused Pranab Kumar Mohanty, by receiving the tainted bribe money of Rs. 1,66,000/- from the complainant on the instruction of accused Sri Mohanty and as such abetted the commission of the same by accused Sri Mohanty ?

5. The prosecution, to establish its case, has examined as many as ten witnesses among which, PW1 is the Jr. Engineer, RW division, Balangir and the

accompany witness in this case, PW2 is also Asst. Engineer, R.W. division, Balangir at the relevant time and the official witness in this case, PW3 is the Sr. assistant in the office of DFO, KL, Patnagarh and is a seizure witness, PW4 is the complainant himself, PW5 is also a witness to seizure, PW6 is a constable of vigilance, who showed demonstration of chemical reaction during preparatory meeting. PW7 was Inspector of Vigilance, Balangir Vigilance Unit at the relevant time and T.L.O of this case. PW8 was the DSP, Vigilance, Balangir vigilance Unit and part I.O. of this case. PW9 was the Inspector of Vigilance Police and another I.O who obtained sanction against the accused persons and submitted charge sheet in this case and PW10 is an official of BSNL. Besides the aforesaid oral evidence, the prosecution also tendered some documents into evidence which are marked as Ext.P-1/PW1 to P-50/PW10. Prosecution also proved some material objects marked as M.O.I to M.O. XIII. Defence to establish its plea examined accused Pranab Kumar Mohanty as DW1 and tendered some documents which are marked as Ext. D-1 to D-17.

6. Sri Jayakrushna Sahu, Learned Spl. PP, Vigilance, submitted that it is well settled proposition of law that proof of demand and acceptance of illegal gratification by a public servant as a fact in issue by the prosecution is *sine-qua-non* in order to establish the guilt of the accused-public servant and in order to bring home the

guilt of the accused, the prosecution has to first prove the demand of illegal gratification and the subsequent acceptance thereof either by direct evidence which can be in the nature of oral evidence or documentary evidence or can also be proved by circumstantial evidence in the absence of direct, oral and documentary evidence. On the proof of the said facts in issue, the court has to raise a presumption under section 20 of the P.C.Act, 1988, as amended that the illegal gratification was for the purpose of a motive or reward. He further submitted that there is clinching evidence that the accused-DFO taking advantage of his position as DFO obtained undue advantage by demanding Rs.1,66,000/- from the complainant and accepted it through accused No.2. as a reward to perform his public duty improperly and dishonestly and such allegation having been proved against both the accused persons through clear and cogent evidence of the complainant, accompanying witness and other members of the trap team, a presumption U/s 20 of the P.C.Act,1988 is attracted that he had obtained such undue advantage as a motive or reward U/s 7 of the P.C. Act,1988 to cause performance of a public duty improperly and dishonestly and the defence having failed to dislodge such presumption, the accused No.1 Sri Mohanty is liable to be convicted U/s 7 of P.C. Act,1988 as amended. He further contended that so far as accused No.2, Sri Dehuri is concerned, he

knowingly accepted the bribe money as per the instruction of accused No.1 thereby abetted the offence which is punishable U/s 12 of the P.C. Act, 1988, as amended. In support of his contention, he relied upon decisions of the Hon'ble Apex Court in the cases of *A. Karunanidhi Vs State rep. by Inspector of Pol* reported in (2025) 100 OCR (SC)-676, *Sita Soren Vs Union of India* reported in (2024)5 SCC-696, *The state of Gujarat Vrs. Navinbhai Chandakanta Joshi ect.* reported in **2018 (II) OLR (SC) 714**, *Guruviah Vrs. State represented by the Inspector of Police* reported in **(2019) 76 OCR (SC)-152**, *the State of Gujurat Vs Nabinbhai Chandrakanta Joshi etc* reported in **2018(II)OLR(Sc)-74**, *Vinod Kumar Garg Vrs. State (Government of National Capital Territory of Delhi)* reported in **(2020) 77 OCR (SC) 310**, *The State of Karnataka Vrs. Chandrasa* reported in **(2025) 97 OCR 327**, *State of Maharastra Vs Mahesh GJain* reported in **(2013)55 OCR(SC)1051**, *State by Police Inspector Vs. T. Venkatesh Murthy* reported in **AIR 2004 SC 5117**, *State of Bihar Vs. Rajmangal Ram* reported in **AIR 2014(SC) 1674**, *Paul Verghese Vs. State of Kerala* reported in **AIR, 2007 (SC) 2618**, *Md Iqbal Ahmed Vs. State of Andhrapradesh* reported in **AIR 1973 (SC) 677**, *Vinayak Narayan Deostali Vs. CBI* reported in **2015(4) SCC 353**, *State of Odisha Vs. Arati Mohapatra* reported in **AIRONLINE 2021 SC 777**, *Jubaji Srinivasa Rao Vs. State by Dist. Inspector*

reported in **2004(3) Crimes 32(AP)** and in the case of *Neeraj Dutta Vs State (Govt of NCT of Delhi)* reported in **(2023)89 OCR(SC) 510**.

7. On the contrary, the learned counsel for accused No.1 argued that prosecution has failed to prove the foundational fact that there was any demand of bribe by the accused and in the absence of any evidence of demand and acceptance of undue advantage, the statutory presumption U/s 20 of the P.C. Act, 1988 as amended, against the accused cannot be raised. On the other hand, the defence through probable evidence could prove that the informant had nurtured a grudge against the accused as he being his superior authority had found certain irregularities committed by the accused and that the informant was apprehensive that the accused could take action against him. Further, there being no other evidence as regard to demand of bribe money by the accused from the complainant, the question of drawing presumption U/s 20 of the P.C. Act, 1988 as amended does not arise at all. Learned defence counsel further submitted that the source of the bribe money is in enigma and the evidence of prosecution witnesses are full of discrepancies and inconsistencies and even the investigation has been conducted in a perfunctory manner, making the prosecution case completely unbelievable, so he submitted that on such shaky evidence, the accused

persons are entitled to be acquitted from the charges U/s 7/12 of the P.C. Act, 1988, as amended.

8. Accused Sri Mohanty has been charged U/s 7 of the P.C. Act, 1988 as amended by the Act 16 of 2018 on the allegation of demand and acceptance of illegal gratification of Rs.1,66,000/-from the complainant on 10.06.2020. Section 7 P.C. Act, 1988, as amended, reads as under;

“7. Offence relating to public servant being bribed- Any public servant who,-

(a) obtains or accepts or attempts to obtain from any person, an undue advantage, with the intention to perform or cause performance of public duty improperly or dishonestly or to forbear or cause forbearance to perform such duty either by himself or by another public servant; or

(b) obtains or accepts or attempts to obtain, an undue advantage from any person as a reward for the improper or dishonest performance of a public duty or for forbearing to perform such duty either by himself or another public servant; or

(c) performs or induces another public servant to perform improperly or dishonestly a public duty or to forbear performance of such duty in anticipation of or in consequence of accepting an undue advantage from any person, shall be

punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

The aforesaid provisions as it stand make it obligatory for the prosecution to prove that;

- (i) the accused was a public servant
- (ii) he obtains or accepts or attempts to obtain from any person, an undue advantage
 - (a) with intention to perform or cause performance of public duty improperly or dishonestly or to forebear or to cause forbearance to perform such duty; or
 - (b) as a reward for the improper or dishonest performance of a public duty or forbearing to perform such duty, either by himself or by another public servant, or
- (iii) performs or induces another public servant to perform improperly or dishonestly a public duty or to forebear performance of such duty in anticipation of or in consequence of accepting an undue advantage from any person.

Thus, the prosecution must prove that the public servant has demanded as well as accepted the bribe money from the complainant apart from the factum of recovery of the said money and in the absence thereof, the charge would fail. A presumption is also available to be raised U/s 20 of the Act, 1988 as amended, but the

same is a rebuttable presumption and such presumption could be drawn only when the prosecution succeeded in establishing that the delinquent public servant has accepted or obtained undue advantage.

9. Accused Sri Dehuri has been charged U/s 12 read with Section 7 P.C. Act, 1988 as amended by the Act 16 of 2018 on the allegation of abetment of demand and acceptance of illegal gratification of Rs.1,66,000/-from the complainant on 10.06.2020. Section 12 of the Act, 1988 as amended in the year 2018 prescribes punishment for abetment of offence. It envisages that whoever abets any offence punishable under the provisions of P.C Act, whether or not that offence is committed in consequence of that abetment, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine. What is 'abetment' is not defined anywhere in the P.C.Act, 1988. However, 'abetment' is defined in Chapter-V of the Indian Penal Code (IPC). Section 107 IPC says that a person abets the doing of a thing, who first, instigates any person to do that thing; or secondly, engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to doing of that thing; or thirdly, intentionally, aids, by any act or illegal omission, the doing of that thing. Explanation(1)

thereof says that a person, who by willful misrepresentation, or by willful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate of that thing. Explanation(2) thereof says that whoever, either prior to or at that time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitate the commission thereof, is said to aid the doing of that act. In order to constitute abetment, the abettor must be shown to have intentionally aided the commission of the crime.

10. Keeping in mind the aforesaid principles enshrined in section 7 P.C. Act, 1988, as amended, so also the ingredients of abetment as provided in section 107 IPC read with section 12 P.C. Act, 1988, as amended, it is to be seen if the prosecution, by adducing cogent, credible and acceptable evidence has proved the foundational fact i.e., the demand and voluntary acceptance of the bribe money from the complainant by the accused No.1 Sri Mohanty and if for that accused No.2 Sri Dehuri abetted the crime.

11. Firstly, the prosecution is required to prove that accused No.1 was a public servant at the relevant time. It is not disputed that accused Sri Pranab Kumar Mohanty was a public servant on the date of detection of the case. At the relevant time, accused No.1 Sri Mohanty was working as DFO (KL) Patangarh

division and accused No. 2 was working as Deputy Ranger, in-charge Range Officer, Ghasian South (KL) Range, Patnagarh KL division. Ext.P-19⁴/ PW3 is the bio data of accused Pranab Kumar Mohanty and Ext.P-19⁶/PW3 is the service particulars of accused Chitaranjan Dehuri supplied by PW3, Sr. Assistant in the office of the DFO (KL) Patnagarh on the requisition of the vigilance police. Ext.P-19⁴/PW3 reveals that Sri Pranab Kumar Mohanty entered into government service on 1.10.1984 and the date of retirement was 31.3.2022. Similarly, Ext.P-19⁶/PW3 reveals that accused Chitaranjan Dehuri entered into government service on 29.08.1989 and the date of retirement was 30.06.2026. Further, the accused persons in their statement U/s 313 of the Cr.P.C have also admitted about the post and designation which they were holding at the relevant time. From the aforesaid evidence, it can be held that both the accused persons were public servant at the relevant point of time.

12. Prosecution is also required to prove the factum of demand and acceptance of illegal gratification by accused No.1. It is the prosecution allegation that on demand of bribe by accused No.1 from the complainant, the complainant lodged the FIR and accordingly, a trap was laid on 10.06.2020 in which the bribe amount of Rs. 1,66,000/- was recovered from the possession of the accused No.2. Further case of the prosecution is

that such bribe was demanded by accused No.1 Sri Mohanty from the complainant and accepted through accused No.2 Sri Dehuri, who aided to such crime. Thus, the proof of demand and acceptance of illegal gratification by accused Sri Mohanty and abetment of such crime by accused Sri Dehuri is a fact in issue. In order to proof such fact in issue i.e., demand and acceptance of illegal gratification from the complainant, the prosecution has placed reliance upon the testimony of the complainant examined as PW4, accompany witness PW1, official witness PW2, Trap Laying Officer PW7 and the Investigating Officers PW8 & PW9 in addition to the FIR Ext.P-20/PW7, Preparation Report Ext.P-2/PW1, Voice Recording Device M.O-V, Transcript of conversation (Ext.P-14/PW2 & Ext.P-15/PW2), Detection Report(Ext.P-10/PW1), Chemical Examination Report (Ext.P-41/PW9), Call Detail Report and the Subscriber (Ext.P-45/PW9 & Ext.P-50/PW10) Detail Report. That being so, at the outset, it is imperative to examine the testimony of the complainant before analysis of other evidence on record.

13. PW4, the complainant lodged the FIR on 8.6.2020 alleging that accused No.1-DFO (KL) Patanagarh Division had transferred a total sum of Rs. 10,37,000/- to his official account No. 32255427410 between March 2020 to May 2020 for repair and maintenance work of Phadis, which he used for the

purpose. But accused No.1 demanded Rs.1,66,000/- from him @ 16% as his percentage and threatened him to initiate proceeding and suspend him from service unless he pay such money and called him to come to his office for discussion on 08.06.2020. Finding no other way left, he informed the matter to DSP Vigilance unit, Balangir. To verify the authenticity of the complaint, Sri S.N.Pani, Inspector of vigilance accompany the complainant to Patnagarh where the fact of demand of bribe money of Rs.1,66,000/- was recorded by the complainant in a voice recording device provided by Sri Pani.

The complainant while examined as PW4 supported the version of the FIR and deposed that on 7.9.2018 he joined as Range Officer, Patnagarh Kendu Leaf Range. Accused Pranab Kumar Mohanty was the DFO, Patnagarh Kendu leaf division at the relevant time. In between March, 2020 and May, 2020 Sri Mohanty, DFO had transferred an amount of Rs.10,37,000/- in his Government account maintained in State Bank of India Patnagarh branch for repair and maintenance work of Kendu leaf Phadies, but Sri Mohanty, DFO demanded bribe of Rs.1,66,000/- from him @ 16% of the amount transferred, to which he expressed his inability. Sri Mohanty, DFO threatened that unless he paid such bribe money to him, he would initiate departmental proceeding against him and also suspend him from service. Being aggrieved, he

intimated the matter to the vigilance police at Balangir on 8.6.2020. Thereafter, vigilance DSP Smt.Kadambini Samal sent Inspector Sadananda Pani with him to the DFO, Kendu leaf office, Patnagarh alongwith a voice recorder and accordingly, he went to DFO Sri Mohanty with the voice recorder who again demanded bribe @ 16% of the transferred money and the fact of the demand was recorded in the voice recorder. This witness was cross examined by the prosecution wherein he admitted that he and Inspector Sri Pani returned to vigilance office where he alongwith DSP madam and Inspector Sri Pani heard the conversation recorded in the voice record machine between himself and accused DFO and that he identified the voice of DFO Sir that he was demanding bribe of Rs.1,66,000/- from him and thereafter, a memorandum was prepared. He proved the said memorandum as Ext. P-21/PW4. He further admitted that as per the instruction of Sri Pani, he reached vigilance office, Balangir on 10.6.2020 at 6.30 A.M with Rs. 1,66,000/- and that Inspector Sri Pani introduced him to vigilance officials and other witnesses and he narrated the allegations before them and that after knowing the truth in the matter, all the participants present there heard my voice in the voice record machine recorded on 8.6.2020 which he produced before them and after knowing the contents to be correct, the voice record machine was kept in an envelope and sealed in presence of witnesses

and that they put their signatures and that the transcript of the conversation of DFO Sri Mohanty, Ranger Sri Dehury and himself on 8.6.2020 was made by Inspector Sri Pani and they signed in the said document. He proved the said transcript of conversation between him and accused Sri Mohanty recorded on 8.6.2020 as Ext.P-14/PW2 and the transcript of conversation between himself and accused Sri Dehury recorded on 8.6.2020 as Ext.P-15/PW2. During cross examination by the defence, he admitted that he does not remember exactly when for the first time, the accused-DFO had demanded bribe of Rs.1,66,000/- towards PC from him and that he has not informed such fact to any of his higher authorities.

PW1 is the Jr. Engineer in the office of Executive Engineer, RW Divn, Balangir. He deposed that on the direction of the Executive Engineer, he and Madhusudan Meher, Asst.Engineer, attended the vigilance unit office, Balangir on 10.6.2020 at about 6.30 A.M where they met Inspector Sri Pani, who introduced the complainant there. The complainant disclosed that in between the month of March, 2020 and May, 2020, the DFO(KL) Patnagarh Divn Sri Pranab Kumar Mohanty, had transferred an amount of Rs.10,37,000/- to his official Bank account for utilization in repairing and maintenance work related to Kendu leaf under his range and that DFO Sri Mohanty was demanding 16% of the amount transferred i.e. to

the tune of Rs. 1,66,000/- towards bribe. PW2 is the Magisterial witness who also reiterated that the complainant disclosed regarding demand of Rs, 1,66,000/- by the accused DFO. He further stated that finding no other way out, the complainant informed the matter to the vigilance police at Balangir. Thereafter, DSP Kadambini Samal directed Inspector Sri Pani to conduct an enquiry regarding the veracity of the allegation made by the complainant and accordingly, Inspector Sri Pani went to Patnagarh Kendu Leaf Division office with complainant Sri Das with a voice recording device and the complainant kept the voice recorder in his shirt pocket and he entered into the office chamber of DFO (KL) and by seeing him, Sri Mohanty enquired about the demanded amount of Rs.1,66,000/- and threatened the complainant to suspend him if the demanded amount is not paid and he further asked the complainant to pay the demanded amount of Rs.1,66,000/- to Ghasian Sough Range Officer Sri Chittaranjan Dehury and the complainant told to pay the amount on the next Wednesday ie., on 10.6.2020. Thereafter, the complainant returned to his office with Inspector S.N.Pani, who was then standing outside the chamber of the DFO Sri Mohanty. Then the complainant talked with accused Chittaranjan Dehuri over his mobile phone and told him that he met the DFO, KL in his office who demanded bribe of Rs. 1,66,000/- and directed him to handover the said

amount to Sri Dehury on 10.6.2020. To that, Sri Dehury replied that he would collect the said amount from the complainant in his office on 10.6.2020. He further stated that Inspector Sri S.N.Pani prepared two memoranda in his presence containing the transcription of the conversation between the complainant Sri Dash and accused Sri Mohanty so also with Chittaranjan Dehury. He proved the memorandum in respect of recording of the voice of accused Sri Mohanty as Ext.P-12/PW2 and his signature thereon as Ext. P-12¹/PW2. He also proved the memorandum in respect of recording of the voice of accused Sri Dehury as Ext.P-13/PW2 and his signature as Ext. P-13¹/PW2. It is his further evidence that the complainant produced the voice recorder kept in a sealed condition and it was played before all of them and they heard the recording of voice. Complainant Sri Das identified the voice of accused Sri Mohanty. After listening the voice recording, they all satisfied about the genuineness of the allegations made by the complainant and thereafter, a transcript of conversation between Sri Dash and accused Sri Mohanty recorded on 8.6.2020 was reduced to writing in Odia. He proved the transcript as Ext.P-14/PW2 and his signature thereon as Ext. P-14¹/PW2. He also proved the transcript of conversation between Sri Das and accused Sri Dehury recorded on 8.6.2020 and reduced to writing in Odia as Ext. P-15/PW2 and his signature thereon as Ext. P-15¹/PW2.

In cross examination, he admitted that he is also cited as witness in other vigilance cases. His evidence regarding initial demand has not been shattered by the defence.

PW7 is the Inspector of Police, vigilance, Balangir who acted as the TLO in this case. It is in his evidence that on 08.06.2020, complainant Sri Jagannath Dash appeared at Vigilance Unit Office, Balangir and reported demand of bribe by Sri Pranab Kumar Mohanty and the DSP, Vigilance, Balangir, Smt. Kadambini Samal, after hearing such allegation directed him to make a secret verification to know the veracity of the allegation. He arranged a voice recording device to record the conversation of the complainant and the DFO, Sri Mohanty regarding his demand of illegal gratification. They proceeded to Patnagarh along with the complainant where he handed over the voice recording device to the complainant and allowed him to proceed to the office of Sri Mohanty, DFO, KL division, Patnagarh. Then he instructed the complainant to keep the said voice recording device inside his wearing shirt pocket for the purpose of recording of the voice. After few minutes, the complainant Sri Das, returned from the office of DFO and confirmed the demand of illegal gratification of Rs. 1,66,000/- by the DFO, Sri Mohanty to him. Sri Mohanty, DFO also told the complainant to handover the bribe money of Rs. 1,66,000/- to the Range Officer

of Kenduleaf of Ghasian, South Range, Patnagarh on dated 10.06.2020. Then, he along with the complainant Sri Das came near the office of Sri Das at Patnagarh where the complainant Sri Das contacted the Range officer of Ghasian, South Range over his mobile phone and intimated the demand of Rs. 1,66,000/- as his percentage by the DFO and about the direction of DFO to hand over the total amount of bribe money to him on dated 10.06.2020. The Range Officer, Ghasian, South Range, Sri Chittaranjan Dehury also replied him that he will collect the said amount from him on 10.06.2020. The said conversation was also recorded in the voice recording device. Then he along with the complainant returned to Vigilance office, Balangir and then he along with the DSP and the complainant heard the conversation between the complainant and DFO Sri Mohanty as well as the Range Officer Ghasian, South Range Sri Dehury and transcription of both the recordings were prepared in separate sheet of paper and thereafter the said voice recording device was duly packed in an envelope which was sealed by using the brass seal of S.P, Vigilance, Sambalpur in presence of the complainant which was marked as Q-1. He handed over the said sealed envelope containing the voice recorder device to the complainant Sri Das with the instruction to produce the same during the time of preparation. He prepared a memorandum in presence of complainant. He proved the memorandum as Ext.P-

21/PW4. He further deposed that as per his requisitions, two official witnesses Sri Bidhan Kumar Nayak, Jr. Engineer and Sri Madhusudan Meher, Asst. Engineer of Rural Works Division, Balangir appeared on dated 10.06.2020 at 06.30 A.M and in their presence the complainant narrated the F.I.R story and then complainant produced the sealed envelope containing the voice recording device before the official witnesses which was played. The transcript of conversation between the complainant and the DFO Sri Mohanty and Sri Dehury Range officer recorded on dated 08.06.2020 was reduced to writing. He proved the transcript as Ext.P-14/PW2 and as Ext.P-15/ PW2.

14. From the above discussion on the evidence on record, it can safely be held that the foundational fact of initial demand has rest upon the conversation between the complainant and accused Sri Mohanty which was recorded on a voice recording device under M.O-V. Relevantly, Ext.P-14/PW2 is the transcription of conversation between the complainant Sri Das and accused Sri Mohanty. The recitals of the transcript reveals that the complainant assured the accused Sri Mohanty to meet the demand and in turn Sri Mohanty instructed the complainant to give Rs. 1,66,000/- to “Ghasian South” . When the complainant requested to reduce the amount, accused Sri Mohanty did not agree and the complainant agreed to pay on Wednesday. Further the accused instructed the complainant to

tell the Ghasian south to receive the money on behalf of him. Accused Sri Mohanty has also hinted that the post of a Ranger is that of a Manager and the Ranger has to manage his staff and others.

PW8 is the Investigating Officer. She deposed that on 10.06.2020 at 03.50 P.M, she prepared a memorandum regarding recording of sample voice of Sri Pranab Kumar Mohanty collected in a memory card using Sony digital voice recorder in presence of witnesses. The CD containing the copy of recording were kept in two separate envelope as X-2 & X-3, which were duly labelled, sealed and signed by witnesses and accused Sri Mohanty. He proved the memorandum of Pranab Kumar Mohanty as Ext.P-12/PW2. The I.O also sent the exhibits Q-1, X-1, X-2, X-3, Y, X-4,X-5, X-6 to Director of SFSL, Rasulgarh for examination and opinion through a forwarding report under Ext.P-37/PW8.

PW9 is the subsequent I.O who took charge of investigation from PW8. She deposed that on 03.11.2021, she received chemical examination report from SFSL, Rasulgarh, Bhubaneswar vide No. 2020BHUB005614, Division No.2020PHYS000061 dated 02.11.2021 along with one sealed exhibit packets. She proved the report as Ext.P-41/PW9. On perusal of the said report, it is found that Sri Janmejaya Sahu, Reporting Officer-cum-ACE/CE of SFSL, Bhubaneswar has reported that there is no tampering in

form of deletion or addition in all the audio recording in Ext.Q, the voice exhibit of speaker marked as A and S-1 are voice of the same person i.e. Sri Pranab Kumar Mohanty and the voice exhibit of speaker marked as B and S-2 are voice of same person Sri Chittaranjan Dehury.

15. Consequent upon the initial demand made by the accused No.1-DFO on 8.6.2020, the complainant was instructed to hand over the demanded amount to accused No.2, the Deputy Ranger and a trap was laid by the Vigilance Police by forming a team under the leadership of TLO Sri Sadananda Pani (PW7). Admittedly, the trap team caught hold the accused No.2 after receiving signal from the accompanying witness i.e., PW1, Bidhan Kumar Nayak. Besides his testimony as shadow witness, prosecution greatly relied upon the evidence of complainant from whom the accused No.2 had allegedly accepted the bribe money on demand. PW4, the complainant, in this context deposed that on 10.6.2020, he reached the vigilance unit office, Balangir alongwith the bribe money of Rs. 1,66,000/-. He produced the aforesaid money to be utilised as bribe money, the serial numbers and denominations of which were noted down by the witnesses present there. After treating the chemical powder in the said GC notes, they handed over the same to him with an instruction to handover the same to Dehury babu, Deputy Range Officer,

Ghasian south. Accused- DFO Pranab Kumar Mohanty had told me earlier on one occasion or twice to hand over the bribe money to said Dehury babu and accordingly, Inspector Sri Pani instructed him to hand over the tainted GC notes treated with chemical powder to Dehury babu. After the GC notes treated with the chemical powder, the person who treated the chemical powder put his fingers in the solution and the colour of the said solution changed to rose colour. It is further in his evidence that then he called to the Deputy Ranger Dehury Babu on his phone to his office i.e Patnagarh Kendu leaf Range Office at Rampur. Dehury babu reached in his office at about 10.30 A.M and accused Dehuri babu asked him the money as per the instruction of the DFO Sri Mohanty and accordingly, he handed over the tainted GC notes to Sri Dehury. Sri Dehury, Deputy Ranger kept the said tainted GC notes of Rs.1,66,000/- in his bag which he had carried with him. When he was about to leave his office, at the entrance door of his office chamber, the vigilance trap team intercepted him. The wash of the hands of Sri Dehury was taken in the chemical solution and the colour of the chemical solution turned to pink. Thus, the above testimony of PW4 shows that he gave detail account of the pre-trap arrangement made at the vigilance unit office, the demand of bribe money made by accused Sri Dehuri and also acceptance of the same and recovery thereof. During cross examination, PW4

denied the suggestion of the defence that on 2.6.2020 at 6.30 P.M, the accused-DFO had issued an order in the camp office to handover the unutilised money to the Deputy Ranger, Ghasian (South) Sri Chittaranjan Dehury for completion of the remaining phadi work and he refused to receive the said order and that since he was ordered to give charge of unutilised money to a officer junior in hierarchy, out of humiliation and grudge, he planted this false case against the accused persons. He further denied to the suggestion that the DFO had passed camp order to hand over balance money of Rs. 1,66,000/- which was unspent with him in the repairing and maintenance head to accused Chittaranjan Dehury and that in pursuance of the said order, he handed over the said money to accused Sri Dehury on 10.6.2020. It is further in his evidence that the accused Sri Dehury had come to his office on the date of detection of the case by carrying a Air bag and the said air bag was seized by the police. He also admitted to have stated before the I.O that Sri Dehury, Deputy Ranger kept the said tainted GC notes of Rs.1,66,000/- in his bag which he had carried with him and that when he was about to leave his office, at the entrance door of his office chamber, the vigilance trap team intercepted him. He further admitted that when the vigilance trap team members entered into his chamber, some tainted GC notes were lying in his working table, whereas some were inside the Air bag

brought by accused Sri Dehury. There were three bundles of notes. He handed over the tainted GC notes to the accused who was counting the GC notes and keeping some of the notes in the table and then counting the other bundle. By the time vigilance trap team reached his office chamber, accused Sri Dehury had counted two bundles of notes and kept the same in the Air bag and he was counting the last bundle. From the aforesaid evidence, it is clear that the evidence of PW4 was not slightly affected by the cross examination from the side of defence. Though some contradictions were brought by the defence from the mouth of the complainant (PW4), the same are minor contradictions and do not affect the substratum of the prosecution case. Thus, from the above, it is evident that nothing could be brought out from the mouth of the complainant during cross examination to disbelieve his testimony made in the Court.

16. The evidence of the complainant not only found to be truthful but also the same has been corroborated by other witnesses, more particularly by the accompanying witness examined as PW1, who deposed that on 10.6.2020 in his presence and in presence of Madhusudan Meher, Asst.Engineer, the complainant narrated the FIR story and produced Rs.1,66,000/- before them to be utilised for the purpose of bribe in the shape of 332 number of 500 rupee G.C notes. PW1 further stated that Sri Pani instructed PW2,

Sri Meher to note down the denominations of the said GC notes produced by the complainant and accordingly, as per the dictation of Sri Meher, the numbers and denominations of the said GC notes were typed out in the computer kept in the vigilance unit office and a copy thereof was generated and PW2 kept the same with him to compare the same after detection of the case. He proved the said sheet of paper under Ext.P-1/PW1. Thereafter, Constable Rohit Rana (PW6) showed demonstration regarding reaction of phenolphthalein powder with sodium carbonate solution and during the process; he drew samples Ext.A and B. Thereafter, the GC notes produced by the complainant were treated with phenolphthalein powder and handed over to the complainant who kept in the left side pocket of the full pant and he was instructed to hand over the same to accused Sri Dehury on his demand only. PW1 was selected to accompany the complainant to the spot and PW2, Sri Mishra was selected to remain as a witness with the trap team. After the preparation, a report was prepared. He proved the preparation report as Ext.2/PW1. He further deposed that then at 7.45 A.M, they proceeded to the spot by vigilance office vehicle, in a bike and another vehicle and reached the office of the complainant Jagannath Das, who proceeded to his chamber alone. PW1 remained at the veranda adjacent to the office chamber of the complainant. After some time, accused

Sri Dehury arrived in a Bolero vehicle and entered into the office chamber of the complainant Sri Das. While staying outside the office chamber, he was watching their activities and overhearing their conversation. It is further in his evidence that accused Sri Dehury enquired from the complainant Sri Das regarding the money demanded by the accused- DFO Sri Mohanty and he asked Rs.1,66,000/- from the complainant. Then the complainant handed over the tainted GC notes which he had kept in his left side pant pocket to Sri Dehury. Accused Sri Dehury accepted the GC notes from the complainant in both of his hands. On completion of the transaction, PW1 brushed his head in his hands and relayed signal to the trap team and the trap team rushed to that spot. Then they all entered into the office chamber of the complainant and found that the complainant Sri Das was sitting in his working office chair and accused Sri Dehury was sitting in front of him in a chair. Inspector Sri Pani introduced himself to the accused Sri Dehury so also gave introduction of the trap team members and challenged accused Sri Dehury regarding the bribe money to which he stated to have collected the tainted GC notes from the complainant as demanded by the accused-DFO Sri Mohanty. At that time, the tainted GC notes were lying over the working table of the complainant in between the accused and the complainant. The hand wash of both the hands of accused Sri Dehury was taken which

turned to pink and the sample solution was collected and marked as Ext.C and D. The cotton wash of the portion of the table cloth where the tainted GC notes were kept, was taken with sodium carbonate solution and the colour of the solution changed to pink. The sample solution was preserved in another small glass bottle, sealed and labeled as Ext.E. Thereafter, PW2, Sri Meher compared the serial numbers of the tainted GC notes recovered with that mentioned in the sheet of paper kept by him and found that the serial numbers tallied. He also furnished a certificate to that effect in the said sheet of paper. He further stated that thereafter, all of them proceeded to the office of the accused DFO Sri Mohanty, who was available in his office chamber. Inspector of Vigilance Sri Pani challenged accused Sri Mohanty that he had demanded bribe of Rs. 1,66,000/- from the complainant Sri Dash and also asked Sri Dehury to collect the said money from the complainant, but he first denied, but after some time, he agreed that he had demanded bribe of Rs. 1,66,000/- from the complainant and also asked Sri Dehury, Range Officer, to collect the same from Sri Das, complainant. During cross examination, he admitted that he has been cited as a witness in three to four other vigilance cases. He had also no prior acquaintance with the complainant or any of the accused persons. He further admitted that he left for the spot in the official vehicle i.e a four-wheeler, but he

does not remember who others had accompanied him. The chamber of the complainant is at a distance of 10/15 feet from the portico. He further does not remember exactly when they reached the office chamber of the complainant. He further admitted that Inspector Sri Pani entered into the office chamber of the complainant first and then they followed him and that when they entered into the office chamber of the complainant, the tainted money was lying over the working table of the complainant in front of accused Chitaranjan Dehury. However, he could not say who picked up the tainted money from the table, but those were counted by witness Madhusudan Meher. Further he could not say how much time he stayed at the veranda to watch the transaction. A bare look on the aforesaid evidence of PW1 shows that even though he was subjected to an extensive cross examination, but nothing could be elicited to disbelieve his version with regard to the demand of bribe by accused Sri Mohanty, acceptance of the bribe money by accused Sri Dehuri on the instruction of accused Sri Mohanty and recovery of the same from his possession. Some minor contradictions have been pointed out by the learned defence counsel, but those could not slightly make the evidence of PW1 vulnerable to hold that he is an unreliable witness.

Let me now examine the testimony of the magisterial witness, who is examined as PW2. He

deposed that during preparation, complainant Sri Jagannath Dash produced Rs. 1,66,000/- in the shape of 332 number of 500 rupee GC notes which he had brought with him and that Sri S.N.Pani Inspector typed out the number and denominations of the said GC notes in his office computer which was verified by him (PW2) and another official witness Sri Bidhan Kumar Naik (PW1) and thereafter a demonstration of reaction of chemical powder was shown by constable Rohit Rana during which phenolphthalein powder was smeared on the GC notes produced by the complainant and it was handed over to the complainant who kept it in his left side pant pocket and Sri Bidhan Kumar Naik was selected as accompanying witness. Then they all went to Kendu leaf office, Patnagarh and thereafter, the complainant Sri Das and the accompanying witness Sri Bidhan kumar Naik entered the range office and other trap party members remained outside the office at a visible distance. At about 9.45 A.M, on getting prearranged signal from the accompanying witness (PW1), all the members of the trap team rushed to the Portico of the Range Office where PW1 confirmed the demand and acceptance of the bribe money by accused Sri Dehury. Then, he led them to the office room of the complainant. At that time, complainant was sitting in his office chair whereas accused Sri Dehury was sitting in a chair in front of the complainant and counting the money in both of his hands. Being challenged by Sri

Pani, accused Sri Dehury agreed to have accepted the bribe money from the complainant Sri Das as per the direction of accused-DFO Sri Pranab Kumar Mohanty. The hand wash of both the hands of the accused was taken which turned pink and the sample washes were preserved and marked as Ext.C and D. He further deposed that as per the instruction of Sri Pani, Inspector of vigilance, he compared the GC notes kept on the working table of the complainant with that of the sheets of paper prepared earlier and by doing so, he found the numbers and denominations of the GC notes tallied and he furnished a certificate to that effect. Further, the table cloth wash where the tainted GC notes were kept was also taken by using sodium carbonate solution and the colour of the solution changed to pink. It was preserved and marked as Ext.E. During cross examination, he admitted that he has deposed evidence in other vigilance cases and that he has been cited as witness in other cases also. He further admitted that after getting signal, when they entered into the office, they found the accompanying witness Sri Naik standing at the Portico and that he does not remember the distance between the Portico and the office chamber of the complainant. They all entered the chamber of the complainant together. When they entered into the chamber of the complainant, accused Dehury was counting the tainted GC in both of his hands and Inspector Sri Pani asked accused Sri Dehury

to keep the tainted GC notes on the table and the tainted GC notes were seized from over the table. He further stated that they six persons entered inside the chamber of the complainant after getting signal from the accompanying witness and that the accompanying witness Sri Naik was present inside the office chamber of the complainant alongwith accused Sri Dehury and the complainant. Though some contradictions were elicited from the mouth of this witness that does not dent his credibility to discard his entire evidence.

The evidence of the TLO (PW7) is corroborative in nature. He stated regarding recovery of the tainted bribe money. It is in his evidence that at about 09.45 A.M, after getting the pre arranged signal from the accompanying witness, he along with the other trap members including the official witness rushed to the office of the Kenduleaf Range office and the complainant Sri Das and Sri Nayak led them to the office chamber of Sri Das, where they found the complainant Sri Das was sitting in his office in chair, who identified accused Sri Chitaranjan Dehury, Deputy Range officer, in-charge Range officer of Ghasian South Kenduleaf Range by keeping a bunch of 500 rupees currency note in his hand. The complainant Sri Das also confirmed the demand and acceptance of the said bribe money by the accused Sri Dehuri, Deputy Range officer as per the direction and previous demand of Sri Pranab Kumar Mohanty, DFO. He challenged

the accused Sri Dehuri to have received the bribe money of Rs.1,66,000/- from the complainant Sri Das to which he admitted that as per direction of his DFO, Sri Pranab Kumar Mohanty, he came to the Range office to collect the bribe money of Rs. 1,66,000/- from the complainant Sri Das towards the percentage of the DFO Sri Mohanty. Thereafter, he took hand washes of the accused which turned pink. The sample solution was preserved and marked as Ext. Ext.C and D. Thereafter, official witness Sri Madhusudan Meher took all the tainted bribe money, counted the same and compared the serial numbers with the serial number noted in the sheet of paper kept by him and found tallied. He also took the wash of the surface of the table cloth lying on the working table of the complainant which also turned to pink. Sri Pani then seized the sample wash Ext.C & D of accused Sri Dehuri seized under the separate seizure list Ext.P-6/PW1 and also seized the recovered tainted bribe money of Rs. 1,66,000/- vide seizure list Ext.P-8/PW1. He proved the recovered 332 numbers of 500 rupee currency note kept in an envelope as M.O-II. He also seized the sheet of paper from the official witness Sri Madhusudhan Meher under a seizure list Ext.P-5/P.W.1 and seized the sample wash of the table cloth marked Ext. E and the table cloth under the seizurelist Ext.P-7/PW1. He proved the seized table cloth as M.O-III.

Learned defence counsel however, urged to discard the evidence of the magisterial witness PW1 and the official witness PW2 on the ground that they are stock witnesses of the Vigilance Department. But in my humble opinion, this plea could not belie the entire evidence of PW1 and PW2, for the simple reason that PW1 and PW2 both were deputed by their higher authority to attend the Vigilance Office for some confidential work. In fact, the TLO, Sri Pani (PW7) had made a requisition to the Executive Engineer, Rural Works Division Balangir. It is the evidence of PW1 that the Executive Engineer, RW division, Balangir directed him and his colleague Sri Madhusudan Meher to attend the vigilance unit office on 10.6.2020 at 6.30 A.M and accordingly, they proceeded to the vigilance unit office and reported to Sri Pani. Therefore, it was not the Vigilance Department who had chosen those official witnesses for the purpose of the trap, but on the basis of the requisition made by Vigilance Department, the Executive Engineer, RW division, Balangir deputed them for such confidential assignment. In such view of the matter, they cannot be held to be the interested witnesses for the purpose of this case. Though on the query made by defence, it is admitted by PW1 that he has been cited as witnesses in three to four other vigilance cases. PW2 also admitted that he has deposed in this court in another vigilance case and he has been

cited as witness in other case also, but that itself cannot brand them as stock witnesses of the Vigilance Department, when there is no other evidence to show that those witnesses were otherwise interested in this case. PW1 & PW2 both are public servants and their evidence carry much more weight than any private witness. Thus, neither PW1, accompanying witness nor PW2, magisterial witness can be termed as stock witnesses of the Vigilance Department merely because of their prior visit to Vigilance Unit Office and participation in few other cases when no material produced before the Court to show that they were over interested to see the accused persons are convicted in this case due to some grudge or animosity or for any other reasons.

17. The evidence of PWs 1 and 4 therefore, explicitly clear that on 10.6.2020 when PW4, complainant, reached his office at i.e Patnagarh Kendu leaf Range Office at Rampur, he called accused Sri Dehuri over phone and accordingly, accused Sri Dehuri reached his office at about 10.30 A.M and he asked him the money as per the instruction of the DFO Sri Mohanty and accordingly, the complainant handed over the tainted GC notes to Sri Dehuri, who kept the said tainted GC notes of Rs.1,66,000/- in his bag which he had carried with him and witness Sri Nayak(PW1) who was watching all the aforesaid transaction between the complainant and accused Sri Dehuri,

relayed the signal to the trap team by brushing his head with his hands and the trap team members rushed to the spot. On being challenged by the Inspector of vigilance, accused Sri Dehuri agreed to have received the bribe money on the instruction of accused Sri Mohanty and the tainted bribe money were recovered from the working table of the complainant lying in front of accused Sri Dehuri. As per the instruction of Inspector Sri Pani, official witness Sri Meher(PW2) compared the serial numbers of the tainted GC notes recovered with that of the serial numbers of the GC notes earlier noted down in the sheet of paper under Ext.P-1/PW1 and found the serial numbers tallied and accordingly, he furnished a certificate to that effect under Ext. P-1²/PW1. The hand washes of accused Sri Dehuri were taken in sodium carbonate solution and the colour of the solution turned to pink. The wash of the portion of the table cloth where the tainted GC notes were kept was taken by a cotton piece and when the same was dipped into sodium carbonate solution, the colour of the solution changed to pink. This piece of evidence also found corroboration from the chemical examination report proved by PW8 (I.O) under Ext.P-37/PW8. As such, the circumstance under which the tainted GC notes were recovered is sufficient to hold that accused Pranab Kumar Mohanty had demanded bribe from the complainant and accepted it through accused Sri Dehuri who aided commission of

such crime by accused Sri Mohanty. The knowledge of accused Sri Dehuri that the GC notes handed over by the complainant to him was the bribe money can be inferred from the fact that he had not questioned the complainant as revealed from the transcript of conversation under Ext.P-15/PW2, but simply followed the instruction of accused Sri Mohanty and also received the same in his own hand. Further, PW1 and PW4 were summoned by the Magistrate for recording of their statements U/s 164 of Cr.P.C. PW1 proved his statement recorded U/s 164 of Cr.P.C as Ext.P-11/P.W.1 and likewise PW4 proved his statement recorded U/s 164 of Cr.P.C under Ext. P-22/PW4. The evidence of PWs 1 and 4 enhance the guarantee of reliability as the same found corroborated by their statements recorded U/s 164 of Cr.P.C which has got more weight being recorded before a Magistrate. True it is that the statement U/s 164 of Cr.P.C. is not substantive piece of evidence, but it carries with it the guaranty of truthfulness of the witness, if corroborated in material particulars.

18. The evidence as regard to the recovery of the bribe money was also corroborated by PW2, the magisterial witness in his testimony. He deposed that Sri Dehuri was challenged by Inspector Sri Pani that he accepted the bribe money of Rs. 1,66,000/- to which he admitted that as per the direction of accused Sri Pranab Kumar Mohanty, he received the tainted GC

notes. He further stated about taking of washes of the hand of accused Sri Dehuri which changed to pink. It is his further evidence that as per the instruction of Sri Pani, he counted and tallied the serial numbers of the said GC notes recovered with that of the sheet of paper prepared earlier at the time of preparation which tallied. He also furnished a certificate in the same sheet of paper and proved the same as Ext.P-1²/ PW1. It is his further evidence that the wash of the portion of the table cloth over which the GC notes were kept and recovered was taken by means of a cotton swab using sodium carbonate solution and the colour of the solution changed to pink. The said solution was preserved in another glass bottle under Ext.E. PW8, the I.O also stated that she deposited the recovered and seized bribe money of Rs.1,66,000/- in Malkhana in the shape of 332 numbers of Rs.500/- GC notes under malchallan vide Ext.P.34/PW8 and proved under M.O.II. The evidence of PWs 1, 2, 4 and 7 find further corroboration from the detection report proved under Ext.P-10/PW1 which is stated to have been prepared in their presence and signed by all of them. Therefore, it can be held that the tainted bribe money of Rs. 1,66,000/- was recovered and seized from the possession of accused Sri Dehuri while he accepted the same from the complainant on the direction of accused Sri Mohanty knowing the same as bribe money.

19. The demand and acceptance of the bribe money having been proved beyond reasonable doubt which are *sine-qua-non* to bring home charge U/s 7 of the P.C. Act, the statutory presumption U/s 20 of the Act can be raised against the accused which is rebuttable and the accused can dispel it by plausible explanation through the evidence adduced on the principle of preponderance of probability. Once the presumption as mandated U/s 20 of the P.C Act is drawn, the burden shifts on the accused to dislodge such presumptions either through cross examination of the prosecution witnesses or by adducing reliable and convincing evidence through the defence witnesses that the tainted money recovered from the accused is not the bribe money, but the same was taken for some other purposes, or it was not voluntary acceptance of the bribe by the accused.

In this case, defence has taken a plea that that a sum of Rs.10,05,000/-was entrusted to the complainant for repairing and maintenance work of Kendu Leaf go-downs and that he could not complete the work in time despite several warnings of accused Sri Mohanty and that after physical verification by the accused- DFO Sri Mohanty, when it was found that the work was not completed, the accused DFO issued notice to the complainant to hand over the charge of the work to the Deputy Ranger Sri Dehuri with a copy to Sri Dehuri to take charge from the complainant and basing on such

letter, when accused Sri Dehuri had been to the Range Office to take charge from the complainant, he returned the Government money of Rs. 1,66,000/- to Sri Dehuri which was lying with him unutilized and that Rs.1,66,000/- was not the bribe money and that being aggrieved by the order of the accused-DFO Sri Mohanty to hand over the charge to Sri Dehuri, who was subordinate to the complainant, he foisted a false case against both the accused persons. In essence, the accused took the plea of animosity between him and the complainant and apprehensive of departmental action by accused Sri Mohanty.

To support the defence plea, accused Pranab Kumar Mohanty examined himself as DW1. It is in his deposition that during his tenure as DFO, Patnagarh Kendu Leaf Division, he visited the Patnagarh Kendu leaf Range for verification of repair and maintenance of Kendu leaf go-down (Phadi) and found some irregularities in the maintenance work and expressed his displeasure on the complainant-Range Officer, Patnagarh Range and warned him to be held responsible for any loss caused and issued a letter vide memo no. 950 dt. 18.4.2020. The letter obtained through RTI Act is proved as Ext.D-3/DW1. He further deposed that on 5.5.2020, again he visited the Patnagarh Kendu leaf range to see the progress of repair and maintenance work. On being asked, the Range Officer, Patnagarh expressed his ignorance for

which he cautioned him vide Memo No.1096 dt. 7.5.2020 to look into the work personally. He proved the copy of the letter obtained through RTI Act Ext.D-4/DW1. He also issued reminder to the complainant vide memo No.1175 dt.14.5.2020 to intimate the progress of the maintenance work and proved the copy of the memo obtained through RTI Act as Ext.D-5/DW1 and on receipt of his reminder, the complainant replied vide his memo No.174 dt.16.5.2020 regarding the expenditure incurred in each Phadi. He further deposed that he obtained the copies of the classified abstract of Patnagarh KL range for the month of June, 2020 to October, 2020 through RTI Act, which were submitted by the complainant to the KL Division office, Patnagarh, proved under Ext.D-7/DW1, which reveals that for the month of June, 2020 to October, 2020 the complainant had received Rs.10,05,000/- for repair and maintenance of Phadis and an amount of Rs.8,39,000/- has been spent towards expenditure given in a tabular form. An amount of Rs.1,66,000/- is mentioned beyond the table under 'No head' as Rs.1,66,000/- (Vigilance) indicating the balance amount after necessary expenditure as Zero. He further deposed that he had written all the Range Officers of Patnagarh Kendu Leaf division to furnish the names of the binding checkers vide Memo No. 1215(8) dt.19.5.2020 and proved the copy of the said memo obtained through RTI as Ext.D-8/DW1. The Range

Officer, Patnagarh replied to the said memo vide his office Memo No.202 dt. 31.5.2020 mentioning the names of the binding checkers and the disengaged binding checkers, which he received on 2.6.2020 and proved the copy of the said memo obtained through RTI as Ext.D-9/DW1. On 2.6.2020, he came to know that the binding checkers had gone for a strike. On the same day, he held a meeting with the binding checkers at Patnagarh Range Office to resolve their issue and thereafter, the binding checkers were ready to join in their work. After completion of the meeting with the binding checkers, he verified the cash position of Patnagarh KL range and found short fall of balance amount of Rs.71,000/- in place of balance of Rs.1,34,000/- for which he issued a camp memo to the complainant to hand over the unspent cash amounting to Rs.2,91,065/- to the Deputy Range Officer, Ghasian Range(South) Sri Chitaranjan Dehuri to take up further repair and maintenance work of Phadi. He proved the copy of the said camp memo No.1 dt. 2.6.2020 obtained through RTI as Ext.D-10/DW1. It is the further plea of defence that the amount of Rs. 1,66,000/- is the government money unspent under the head repair and maintenance work of Kendu leaf go-down and it can be ascertained from the fact that the complainant-Range Officer, Patnagarh addressed to the DFO, Patnagarh intimating receipt of bribe money of Rs. 1,66,000/- by him on return from the vigilance

department and deposited the same into the account of the DFO, Patnagarh. A copy of the said letter vide memo No.22 dt.22.1.2021 obtained through RTI is proved by the defence as Ext.D-11/DW1. It is submitted by the learned counsel for the defence that it is not the bribe money which the complainant handed over to accused Sri Dehuri, but it is the unspent government money of Rs. 1, 66,000/- which was handed over to the accused No.2. by the complainant. The learned Special P.P, vigilance submitted that the information secured under the RTI Act cannot be the basis for conclusion and it cannot be equated to the certified copies under the Evidence Act. In support of his contention, he relied on the decision of *State of Odisha Vrs Arati Mohapatra (supra)* and *Datti Kameswari Vrs Singam Rao Sarath Chandra and another (supra)*. No other evidence is adduced by the defence to support the defence plea. Accused Sri Dehuri has not taken a plea that he was directed by accused Sri Mohanty to complete the unexecuted work of the complainant regarding repair and maintenance of the Phadis and to receive the unspent money from the complainant and accordingly, on 10.6.2020 he had gone to the office of the complainant to receive the money from the complainant. The detection report proved under Ext.P-10/PW1 reveals that being asked by the Inspector of vigilance, accused Sri Dehuri admitted that on 8.6.2020 evening the DFO called him

to his office and instructed to receive Rs. 1,66,000/- from the complainant towards the percentage for release of fund under repair and maintenance of Patnagarh KL range. In his statement U/s 313 Cr.P.C Sri Dehuri has not taken the plea that he was directed by accused Sri Mohanty to receive the unsent amount under repair and maintenance of Phadis. Rather, he took the plea that being the subordinate of the complainant Jagannath Das and on his call, he had been to his office. So, it can be safely concluded that the defence has miserably failed to rebut the presumption as drawn against the accused U/s 20 of the P.C Act, 1988 as amended as regard to commission of the offence U/s 7 P.C Act as amended in 2018 by way of preponderance of probabilities of evidence.

20. Learned Defence Counsel challenged the validity of the sanction order and contented that without proper appreciation of material sanction order was issued against the accused persons. In the instant case sanctioning authority is not examined and PW9, the I.O who submitted charge sheet admitted that no statement U/s 164 Cr.P.C. was provided to the sanctioning authority but the sanction order under Ext. P-49/PW9 reveals that the statement U/s 164 Cr.P.C. was not provided to the sanctioning authority for which, it cannot be said that the sanctioning authority had applied his mind and due sanction was accorded to lunch prosecution against the accused persons and

therefore, the entire prosecution case is to be vitiated. On the other hand, it is contended by Learned Spl. P.P, Vigilance that although the sanctioning authority has not been examined in this case, but that cannot be fatal to the prosecution case as the authenticity of the sanction order has not been questioned by the defence rather the same has been admitted into evidence without any objection from the side of defence. He relied upon the decision in the case of *State of Maharastra Vrs. Mahesh G. Jain(supra)* wherein the Hon'ble Apex Court by referring to various decisions of the said Court pleased to hold as under;

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16. Presently, we shall proceed to deal with the contents of the sanction order. The sanctioning authority has referred to the demand of the gratification for handing over TDS certificate in Form 16A of the Income-tax Act, the acceptance of illegal gratification by the accused before the panch witnesses and how the accused was caught red handed. That apart, as the order would reveal, he has fully examined the material documents, namely, the FIR, CFSL report and other relevant documents placed in regard to the allegations and the statements of witnesses recorded under Section 161 of the Code and, thereafter, being satisfied he has passed the order of sanction. The learned trial Judge, as it seems, apart from other reasons has found that the sanctioning authority has not referred to the elementary facts and there is no objective material to justify a subjective satisfaction. The reasonings, in our considered opinion, are absolutely hyper- technical and, in fact, can always be used by an accused as a magic trick to pave the escape route. The reasons ascribed by the learned trial Judge appear as if he is sitting in appeal over the order of sanction. True it is, grant of sanction is a sacrosanct and sacred act and is intended to provide a safeguard to the public servant against vexatious litigation but simultaneously when there is an order of sanction by the competent authority indicating application of mind, the same should not be lightly dealt with. The flimsy technicalities cannot be allowed to become tools in the

hands of an accused. In the obtaining factual matrix, we must say without any iota of hesitation that the approach of the learned trial Judge as well as that of the learned single Judge is wholly incorrect and does not deserve acceptance. 17. At this stage, we think it apposite to state that while sanctity attached to an order of sanction should never be forgotten but simultaneously the rampant corruption in society has to be kept in view. It has come to the notice of this Court how adjournments are sought in a maladroit manner to linger the trial and how at every stage ingenious efforts are made to assail every interim order. It is the duty of the court that the matters are appropriately dealt with on proper understanding of law of the land. Minor irregularities or technicalities are not to be given Everestine status. It should be borne in mind that historically corruption is a disquiet disease for healthy governance. It has the potentiality to stifle the progress of a civilized society. It ushers in an atmosphere of distrust. Corruption fundamentally is perversion and infectious and an individual perversity can become a social evil. We have said so as we are of the convinced view that in these kind of matters there has to be reflection of promptitude, abhorrence for procrastination, real understanding of the law and to further remain alive to differentiate between hyper-technical contentions and the acceptable legal proponentments.

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The aforesaid decision as also been considered by Hon'ble Apex Court in the case of *CBI Vrs. Ashok Kumar Aggarawal reported in (2014) 14 SC 295*.

In the present case, it is found that the sanction order in respect of accused Pranab Kumar Mohanty has been admitted into evidence as Ext.P-49/ PW9 and the sanction order in respect of accused Chitaranjan Dehuri has been admitted into evidence as Ext.P-48/PW9 without any objection from the side of the defence. Had there been any objection from the side of the defence regarding the authenticity of the sanction order, the prosecution could have called the

sanctioning authority to depose in this case. PW9, who is the I.O of this case, has clearly deposed that he attended Pre-Sanction discussion with Pradipta Kumar Mohapatra IFS, Chief conservator of forest K.L Circle and produced all relevant case records i.e FIR, Preparation Report, Detection Report, Seizurelists, Statement U/s 161 Cr.P.C, Chemical Examination Report and seized documents, before the sanctioning authority in respect of accused Chitaranjan Dehuri Deputy Ranger cum- In-charge Range Officer Ghasian South under Patnagarh K.L. Division and on 20.05.2022, she received the sanction order under Ext.P-48/PW9. Similarly on dated 11.07.2022, she attended pre-sanction discussion with Sri Himansu Bhusan Panda, Special Secretary to Govt. GA & PG Department, Odisha along with all relevant case records i.e. FIR, preparation report, detection report, seizure list and seized documents, statement U/s 161 of Cr.P.C, chemical examination report and other relevant documents in respect of accused Sri Pranab Kumar Mohanty, DFO, Patnagarh (K.L) Division, Dist-Balangir and on 01.08.2022, she received the original sanction order vide No. 21451/GEN, Bhubaneswar dated 29.07.2022 against Sri Pranab Kumar Mohanty, DFO, Patnagarh (K.L) Division, Dist-Balangir from S.P Vigilance, Sambalpur vide letter No. 3278/Cr(V)/SBP dated 01.08.2022. She proved original sanction order dated 29.07.2022 as Ext.P-49/PW9. On

perusal of both the sanction order, it is seen that after carefully examining the case record and after due discussion with the investigating officer and on proper application of mind, the sanctioning authorities came to an opinion that the accused persons have committed offence U/s 7 and 12 of the P.C Amendment Act, 2018 and accordingly, accorded sanction as required U/s 19 (1)(c) P.C Act, 1988. The sanction orders are self explanatory and therefore, there is no justifiable reason to disbelieve the same.

21. Learned defence counsel in course of his argument pointed out several discrepancies in the prosecution evidence and flaw in the investigation like the Investigating Officer has not mentioned the exact place where the complainant and accompanying witness were standing and that though the informant stated that the accused was caught in the veranda while he was about to leave whereas the evidence of PWs1,2 and 7 reveals that the accused was caught while he was sitting in front of the informant and further that the informant has stated that the bribe money was kept by the accused Sri Dehuri in his bag, but the alleged bag has not been seized by the TLO. On careful consideration of his argument on the discrepancies in the evidence, I found that the same are minor discrepancies upon which undue emphasis cannot be given. Rather, the residue evidence on record qualifies the test of trustworthiness and inspires the

confidence in the mind of the court. Further, law is well settled that defective investigation itself cannot be a ground to disbelieve the prosecution version so as to give benefit of doubt to the accused persons unless the same is prejudicial to the interest of the accused persons and erode the credibility of prosecution evidence. It is trite law that the investigation is not the solitary area for judicial scrutiny in a criminal trial. The cardinal principle of criminal jurisprudence is that the guilt of the accused must be proved beyond all reasonable doubts. However, it is equally settled in law that the burden on the prosecution is only to establish its case beyond reasonable doubt, but not all doubts.

22. It may not be out of context to note here that as per Section 3 Indian Evidence Act presently Section 2(j) Bharatiya Sakshya Adhiniyam, 2023 “A fact is said to be proved when, after considering the matters before it, the court either believes it to exist, or consider its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exist”. Taking into consideration the above legal aspect and the factual aspect discussed above so also the documents on record such as FIR, Preparation Report, transcript of conversation, chemical Examination Report, Call detail report and the subscriber details report, this court has come to an irresistible and inevitable conclusion that the prosecution by adducing cogent, credible, clinching

and unimpeachable evidence could establish beyond reasonable doubt that on 08.06.2020, accused Pranab Kumar Mohanty, DFO,(KL), Patnagarh demanded bribe of Rs.1,66,000/- as his percentage and voluntarily accepted the illegal gratification of Rs. 1,66,000/- from the complainant on 10.6.2020 through accused Chittaranjan Dehuri who facilitated/aided accused Sri Mohanty in the crime by accepting the bribe money on the instruction of Sri Mohanty and the said bribe money were recovered from the possession of accused Sri Dehuri and the defence failed to dislodge the presumption as raised against the accused U/s 20 of the P.C. Act, 1988, as amended and as such a case for commission of offence U/s 7 P.C. Act. 1988 as amended is well proved against accused Pranab Kumar Mohanty and a case of Section 12/7 P.C.Act, 1988 as amended is well established against accused Chitaranjan Dehuri and they are liable to be convicted for the said offences as committed by them.

23. Resultantly, accused **Pranab Kumar Mohanty** is found guilty for commission of the offence punishable U/s.7 of the Prevention of Corruption Act,1988 as amended by P.C. (Amendment) Act, 2018 and he is convicted there-under as per Section 248(2) Cr.P.C. Similarly, accused **Chitaranjan Dehuri** is also found guilty for commission of the offence punishable U/s.12 read with section 7 of the Prevention of Corruption Act,1988 as amended by

P.C. (Amendment) Act, 2018 and he is convicted there-under, as per Section 248(2) Cr.P.C.

24. It is settled law that in cases where a specific provision prescribed a minimum sentence, the provisions of the Probation of offenders Act cannot be invoked. Above all, it is an economic offence involving corruption committed by the convicts, for which it is not deemed appropriate to extend any relief as enshrined in the Probation of Offenders Act.

This Judgment is pronounced in the open Court on this the 10th day of August, 2026, under my hand and seal of the Court, after it was dictated on the Computer to the Stenographer and corrected by me.

**Special Judge (Vigilance),
Bolangir**

HEARING ON THE QUESTION OF SENTENCE

25. Heard the convicts, the learned respective defence counsels on behalf of them as well as the learned Special P.P, Vigilance on the question of sentence. It has been sincerely submitted by learned counsels for both the convicts that they have already been retired from their services and both the convicts have got their respective family to maintain and during these years they have been suffering from immense mental agony and therefore, they would be highly prejudiced if stringent punishment is imposed and

hence, taking into account the facts and circumstances, the age of the convicts and that they are first offenders, lenient view may be taken while awarding punishment.

On the contrary, the learned Special P.P, Vigilance submitted that law is well settled that corruption is corroding like cancerous lymph nodes, the vital veins of the body politic, social fabric of efficiency in the public service and demoralizing the honest officers and the efficiency in public service would improve only when the public servant devotes his sincere attention and does the duty diligently, truthfully, honestly and devotes himself assiduously to the performance of the duties of his post and therefore, considering the gravity and seriousness of the offence for which the convicts have been found guilty, deterrent punishment should be imposed on them.

26. Having regard to the facts and circumstances of the case, submissions of the learned counsel for the convicts and the amount of bribe money involved in this case, age of the convicts, their social background and the fact that the convicts have no criminal antecedents of similar nature of crime, Convict **Pranab Kumar Mohanty** is sentenced to undergo **Rigorous Imprisonment for Three years and to pay a fine of Rs.10,000/- (Rupees ten Thousand)** in default to undergo **Rigorous Imprisonment for Two months** U/s 7 of the Prevention of Corruption Act, 1988 as amended by the Prevention of corruption

(Amendment) Act, 2018 and convict **Chitaranjan Dehuri** is sentenced to undergo **Rigorous Imprisonment for Three years and to pay a fine of Rs.10,000/- (Rupees ten Thousand)** in default to **undergo Rigorous Imprisonment for Two months** U/s 12 read with section 7 of the Prevention of Corruption Act, 1988 as amended by the Prevention of corruption (Amendment) Act, 2018. The period of detention if any, already undergone by each convict as UTP shall be set-off against the sentence of imprisonment so awarded as per the provision of section 428 Cr.P.C.

27. The tainted GC notes, if any, be confiscated to the State. The brass seal M.O-I, and the voice recorder M.O-V, M.O-VIII, M.O-IX, M.O-XI, M.O-XII be returned to the concerned office. The register of W.F.A. under Ext.P-24/PW5, cheque register under Ext.P-27/PW7 and file under Ext.P-23/PW5 be returned to the concerned office. The packet containing sample bottles under M.O-IV be destroyed. However, the disposal of the above seized properties shall be carried into effect four months after expiry of the appeal period and in case of appeal, as per the orders of the Hon'ble Appellate Court.

28. The convicts are apprised of their right to prefer appeal against the judgment and order of this Court and that they may also take legal aid subject to their entitlement and if, so advised.

29. A free copy of the judgment & order be supplied to each of the convicts, forthwith.

This Judgment is pronounced in the open Court on this the 10th day of August, 2026 under my hand and seal of the Court, after it was dictated on the Computer to the Stenographer and corrected by me.

**Special Judge (Vigilance),
Bolangir**

FORM –C

<u>LIST OF PROSECUTION/DEFENCE/COURT WITNESSES</u>		
A.Proseccion witnesses		
RANK	NAME	NATURE OF EVIDENCE
P.W.1	Bidhan Kumar Nayak	Accompanying witness
P.W.2	Madhusudan Meher	Official witness
P.W.3	Hrusikesh Naik	Official/seizure witness
P.W.4	Jagannath Das	Complainant
P.W.5	Arun Kumar Sahu	Official/seizure witness
P.W.6	Rohita Rana	Demonstration witness
P.W.7	Sadananda Pani	Trap Laying Officer
P.W.8	Smt. Kadambini Samal	Investigating Officer.
P.W.9	Smt. Ritanjali Pradhan	Investigating Officer
P.W.10	Prasanna Kumar Sahu	Official witness
B. Defence witness if any:		
RANK	NAME	NATURE OF EVIDENCE
D.W.1	Pranab Kumar Mohanty	Accused
LIST OF PROSECUTION/DEFENCE /COURT EXHIBITS		
A. Prosecution Exhibits		
SL.NO.	EXHIBIT NUMBER	DESCRIPTION
1	Ext.P-1/P.W.1	Sheet of paper containing serial number

		of G.C notes.
2	Ext.P-1 ¹ /P.W.1	Signature of P.W.1.
3	Ext.P-2/P.W.1	Preparation report
4	Ext.P-2 ¹ /P.W.1	Signature of P.W.1.
5	Ext.P-1 ² /P.W.1	Certificate of PW.1 on the sheet of paper.
6	Ext.P-1 ³ /P.W.1	Signature of P.W.1.
7	Ext.P-3/P.W.1	Seizurelist
8	Ext.P-3 ¹ /P.W.1	Signature of P.W.1.
9	Ext.P-4/P.W.1	Seizure list.
10	Ext.P-4 ¹ /P.W.1	Signature of P.W.1
11	Ext.P-5/P.W.1	Seizure list.
12	Ext.P-5 ¹ /P.W.1	Signature of P.W.1
13	Ext.P-6/P.W.1	Seizure list.
14	Ext.P-6 ¹ /P.W.1	Signature of P.W. 1
15	Ext.P-7/P.W.1	Seizure list.
16	Ext.P-7 ¹ /P.W.1	Signature of P.W.1
17	Ext.P-8/P.W.1	Seizure list.
18	Ext.P-8 ¹ /P.W.1	Signature of P.W.1
19	Ext.P-9/P.W.1	Seizure list.
20	Ext.P-9 ¹ /P.W.1	Signature of P.W.1
21	Ext.P-10/P.W.1	Detection report
22	Ext.P-10 ¹ /P.W.1	Signature of P.W.1
23	Ext.P-11/P.W.1	Statement U/s 164 Cr.P.C. of P.W.1
24	Ext.P-11 ¹ /P.W.1	Signature of P.W.1
25	Ext.P-12/P.W.2	Memorandum in respect of recording of the voice of accused Sri Mohanty.
26	Ext.P-12 ¹ /P.W.2	Signature of P.W.2
27	Ext.P-13/P.W.2	Memorandum in respect of recording of the voice of accused Sri Dehuri.
28	Ext.P-13 ¹ /P.W.2	Signature of P.W.2
29	Ext.P-14/P.W.2	Transcript of conversation between Sri Das and Sri Mohanty.
30	Ext.P-14 ¹ /P.W.2	Signature of P.W.2
31	Ext.P-15/ P.W.2	Transcript of conversation between Sri Das and Sri Dehuri.
32	Ext.P-15 ¹ /P.W.2	Signature of P.W.2
33	Ext.P-1 ⁴ /P.W.2	Signature of P.W.2
34	Ext.P-2 ² /P.W.2	Signature of P.W.2
35	Ext.P-1 ⁵ /P.W.2	Signature of P.W.2

36	Ext.P-3 ² /P.W.2	Signature of P.W.2
37	Ext.P-5 ² /P.W.2	Signature of P.W.2
38	Ext.P-6 ² /P.W.2	Signature of P.W.2
39	Ext.P-7 ² /P.W.2	Signature of P.W.2
40	Ext.P-8 ² /P.W.2	Signature of P.W.2
41	Ext.P-16/P.W.2	Seizurelist
42	Ext.P-16 ¹ /P.W.2	Signature of P.W.2
43	Ext.P-9 ² /P.W.2	Signature of P.W.2
44	Ext.P-4 ² /P.W.2	Signature of P.W.2
45	Ext.P-10 ² / P.W.2	Signature of P.W.2
46	Ext.P-17/P.W.2	Zimanama
47	Ext.P-17 ¹ / P.W.2	Signature of P.W.2
48	Ext.P-18/P.W.3	Requisition letter No. 1122 dt 18.11.2021 of the Inspector of Vigilance, Balangir.
49	Ext.P-19/P.W.3	Reply letter No. 2940 dt. 18.11.2021 of DFO, Patnagarh KL division.
50	Ext.P-19 ¹ /P.W.3	Signature of P.W.3
51	Ext.P-19 ² /P.W.3	Bio data and service particulars of Jagannath Das, Range Officer
52	Ext.P-19 ³ /P.W.3	Signature of P.W.3
53	Ext.P-19 ⁴ /P.W.3	Bio data and service particulars of Pranab Kumar Mohanty
54	Ext.P-19 ⁵ /P.W.3	Signature of P.W.3
55	Ext.P-19 ⁶ /P.W.3	Bio data and service particulars of Chitaranjan Dehuri.
56	Ext.P-19 ⁷ /P.W.3	Signature of P.W.3
57	Ext.P-20/P.W.4	Written report.
58	Ext.P-20 ¹ /P.W.4	Signature of P.W.4
59	Ext.P-21/P.W.4	Memorandum
60	Ext.P-21 ¹ /P.W.4	Signature of P.W.4
61	Ext.P-14 ² /P.W.4	Signature of P.W.4
62	Ext.P-15 ² /P.W.4	Signature of P.W.4
63	Ext.P-2 ³ /P.W.4	Signature of P.W.4
64	Ext.P-10 ³ /P.W.4	Signature of P.W.4
65	Ext.P-22/P.W.4	164 Cr.P.C. statement of the complainant.
66	Ext.P-22 ¹ /P.W.4	Signature of P.W.4.
67	Ext.P-4 ³ /P.W.5	Signature of P.W.5.
68	Ext.P-23/P.W.5	File regarding release of fund for the year 2020.

69	Ext.P-24/P.W.5	Register WFA fund release by Range Office.
70	Ext.P-25/P.W.5	Memo no. 1365 dt. 29.5.2020 of PCCF, KL Odisha
71	Ext.P-2 ⁴ /P.W.6	Signature of P.W.6
72	Ext.P-21 ² /P.W.7	Signature of P.W.7
73	Ext.P-20 ² /P.W.7	Endorsement with signature of DSP, Vigilance Smt. Kadambini Samal.
74	Ext.P-20 ³ /P.W. 7	Endorsement with signature of the S.P, Vigilance, Sambalpur.
75	Ext.P-20 ⁴ /P.W.7	Formal FIR.
76	Ext.P-14 ³ /P.W.7	Signature of P.W.7
77	Ext.P-15 ³ /P.W.7	Signature of P.W.7
78	Ext.P-2 ⁵ /P.W. 7	Signature of P.W.7
79	Ext.P-6 ³ /P.W. 7	Signature of P.W.7
80	Ext.P-8 ³ /P.W. 7	Signature of P.W.7
81	Ext.P-5 ³ /P.W. 7	Signature of P.W.7
82	Ext.P-7 ³ /P.W. 7	Signature of P.W.7
83	Ext.P-3 ³ /P.W. 7	Signature of P.W.7
84	Ext.P-26/P.W.7	Zimanama.
85	Ext.P-26 ¹ /P.W.7	Signature of P.W.7
86	Ext.P-16 ² /P.W.7	Signature of P.W.7
87	Ext.P-27/P.W.7	Cheque register
88	Ext.P-28/P.W.7	Cheque Book
89	Ext.P-29/P.W.7	Note Book
90	Ext.P-30/P.W.7	Facsimile seal impression
91	Ext.P-30 ¹ /P.W.7	Signature of P.W.7
92	Ext.P-17 ² /P.W.7	Signature of P.W.7
93	Ext.P-31/P.W.7	Spot map.
94	Ext.P-31 ¹ /P.W.7	Signature of P.W.7.
95	Ext.P-9 ³ /P.W.7	Signature of P.W.7
96	Ext.P-4 ⁴ /P.W.7	Signature of P.W.7
97	Ext.P-10 ⁴ /P.W.7	Signature of P.W.7
98	Ext.P-12 ² /P.W.7	Signature of P.W.7
99	Ext.P-13 ² /P.W.7	Signature of P.W.7
100	Ext.P-12 ³ /P.W.8	Signature of P.W.8
101	Ext.P-12 ⁴ /P.W.8	Signature of accused Pranab Kumar Mohanty.
102	Ext.P-13 ³ /P.W.8	Signature of P.W.8.
103	Ext.P-13 ⁴ /P.W.8	Signature of accused Chitaranjan

		Dehuri.
104	Ext.P-32/P.W.8	Forwarding report to the RFSL, Sambalpur.
105	Ext.P-32 ¹ /P.W.8	Signature of P.W.8
106	Ext.P-33/P.W.8	Acknowledgement receipt.
107	Ext.P-34/P.W.8.	Mal challan dt . 6.7.2020.
108	Ext.P-34 ¹ /P.W.8	Signature of P.W.8
109	Ext.P-35/P.W.8	Prayer for recording of statement U/s 164 Cr.P.C.
110	Ext.P-35 ¹ /P.W.8	Signature of P.W.8
111	Ext.P-36/P.W.8	Prayer for sending the sealed exhibits to the Director, SFSL, Rasulgarh, Bhubaneswar
112	Ext.P-36 ¹ /P.W.8	Signature of P.W.8
113	Ext.P-37/P.W.8	Forwarding letter to the SFSL, Rasulgarh.
114	Ext.P-37 ¹ /P.W.8	Signature of P.W.8
115	Ext.P-38/P.W.8	Chemical examination report dt. 20.6.2020
116	Ext.P-39/P.W.8	Acknowledgement copy of the exhibits dt. 22.10.2020 issued by the SFSL, Bhubaneswar.
117	Ext.P-40/P.W.8	Zimanama
118	Ext.P-18 ¹ /P.W.9	Signature of P.W.9
119	Ext.P-41/P.W.9	Chemical examination report
120	Ext.P-42/P.W.9	Requisition letter No. 1208 dt. 4.12.2021 addressed to the BM, SBI, Patnagarh branch
121	Ext.P-42 ¹ /P.W.9	Signature of P.W.9
122	Ext.P-43/P.W.9	Letter No. Br/45/631 dt. 25.2.2022 of Chief Manager, SBI, Patnagarh branch.
123	Ext.P-44/P.W.9	Requisition letter dt. 10.3.2022 of the Inspector of Vigilance, Balangir.
124	Ext.P-44 ¹ /P.W.9	Signature of P.W.9
125	Ext.P-45/P.W.9	Letter No.OD/CMTS/CDR-III/P-VI/2021-22/70 dt. /15.3.2022 of the AGM(SS) MSC Telephonic Bhawan, Bhubaneswar alongwith certificate.
126	Ext.P-46/P.W.9	Seizurelist dt. 23.3.2022
127	Ext.P-46 ¹ /P.W.9	Signature of P.W.9

128	Ext.P-47/P.W.9	Zimanama
129	Ext.P-47 ¹ /P.W.9	Signature of P.W.9
130	Ext.P-48/P.W.9	Original sanction order dt. 9.5.2022 against accused Chitaranjan Dehuri
131	Ext.P-48 ¹ /P.W.9	Forwarding letter No. 884/2KL/2022 dt. 9.5.2022 of Chief Conservator of Forest, Balangir KL circle.
132	Ext.P-48 ² /P.W.9	Letter No.1557 dt. 20.5.2022 of the S.P, vigilance, Sambalpur forwarding the sanction order to the Inspector of Vigilance, Balangir.
133	Ext.P-49/P.W.9	Original sanction order vide No. 21451 dt. 29.7.2022 of Spl. Secretary to Govt. of Odisha against accused Pranab Kumar Mohanty.
134	Ext.P-49 ¹ /P.W.9	Letter No 3278 dt 1.8.2022 of the S.P, Vigilance, Sambalpur forwarding the sanction order to the Inspector of Vigilance, Balangir.
135	Ext.P-45 ¹ /P.W.10	Signature of P.W.10
136	Ext.P-45 ² /P.W.10	Certificate U/s 65-B of Indian Evidence Act.
137	Ext.P-45 ³ /P.W.10	Signature of P.W.10
138	Ext.P-45 ⁴ /P.W.10	Documents attached to the letter dt.15.3.2022 of the AGM(SS) MSC Telephonic Bhawan,Bhubaneswar.
139	Ext.P-45 ⁵ /P.W.10	Signature of P.W.10
140	Ext.P-50/P.W.10	Letter No.OD/CMTS/CDR-III/P-VI/ 2021-22/68 dt/15.3.2022 of the AGM(SS) MSC Telephone Bhawan, Bhubaneswar addressed to the S.P, Vigilance, Sambalpur.
141	Ext.P-50 ¹ /P.W.10	Signature of P.W.10
142	Ext.P-50 ² /P.W.10	Certificate U/s 65-B of Indian Evidence Act.
143	Ext.P-50 ³ /P.W.10	Signature of P.W.10
144	Ext.P-50 ⁴ /P.W.10	Documents attached to the letter dt.15.3.2022 of the AGM(SS) MSC Telephone Bhawan,Bhubaneswar
145	Ext.P-50 ⁵ /P.W.10	Signature of P.W.10
146	Ext.P-10 ⁵ /D.W.1	Signature of D.W.1

B. Defence Exhibits, if any		
SL.NO.	EXHIBIT NUMBER	DESCRIPTION
1	Ext.D-1/P.W.4	Document written by P.W.4 in his own handwriting.
2	Ext.D-2/P.W.5	Xerox copy of memo No. 836 dt. 3.4.2020 of the DFO, Patnagarh KL division.
3	Ext.D-3/D.W.1	Memo No. 950 dt. 18.4.2020 of DFO, Patnagarh KL Division.
4	Ext.D-4/D.W.1	Memo No. 1096 dt. 7.5.2020 of DFO, Patnagarh KL division.
5	Ext.D-5/D.W.1	Memo No. 1175 dt. 14.5.2020 of DFO, Patnagarh KL division.
6	Ext.D-6/D.W.1	Memo No. 953 dt. 18.4.2020 of DFO, Patnagarh KL division
7	Ext.D-7/D.W.1	Classified abstract of Patnagarh KL range for the month of June, 2020.
8	Ext.D-8/D.W.1	Memo No. 1215(8) dt. 19.5..2020 of DFO, Patnagarh KL division.
9	Ext.D-9/D.W.1	Memo No. 202 dt. 31.5.2020 of Forest Range Officer, Patnagarh KL division
10	Ext.D-10/D.W.1	Camp Memo No.1 dt.2.6..2020 of DFO, Patnagarh KL division
11	Ext.D-11/D.W.1	Memo No. 22 dt. 22.1.2021 of Forest Range Officer, Patnagarh KL division
12	Ext.D-12/D.W.1	Money receipt sl.No.2 dt. 4.10.,2023 issued by the PIO Patnagarh KL division.
13	Ext.D-13/D.W.1	Letter No. 2618 dt. 22.9.2023 of PIO, Patnagarh KL division.
14	Ext.D-14/D.W.1	Letter no. 2715 dt. 4.10.2023 of PIO Patnagarh KL division.
15	Ext.D-15/D.W.1	Letter no. 3176 dt. 2.12.2024 of PIO Patnagarh KL division.
16	Ext.D-16/D.W.1	Money receipt Sl.No.3 dt. 2.12.2024.

17	Ext.D-17/D.W.1	Letter no. 3177 dt. 2.12.2024 of PIO Patnagarh KL division.
C. Court Exhibits, if any		
SL.NO.	EXHIBIT NUMBER	DESCRIPTION
Nil		
D. Material Objects:		
SL.NO.	MATERIAL OBJECT NUMBER	DESCRIPTION
1	M.O.I	Brass Seal
2	M.O.II	332 Nos. of Rs.500/- G.C notes.
3	M.O.III	Table cloth
4	M.O.IV	Packet containing the exhibit bottles marked as A,B,C,D and E.
5	M.O.V	Brown colour sealed envelope marked as Ext. Q-1
6	M.O.VI	Brown colour sealed envelope marked as Ext. X
7	M.O.VII	Brown colour sealed envelope marked as Ext. X-1
8	M.O.VIII	Brown colour sealed envelope marked as Ext. X-2
9	M.O.IX	Brown colour sealed envelope marked as Ext. X-3
10	M.O-X	Brown colour sealed envelope marked as Ext. X-4
11	M.O.XI	Brown colour sealed envelope marked as Ext. X-5
12	M.O.XII	Brown colour sealed envelope marked as Ext. X-6
13	M.O.XIII	Brown colour sealed envelope marked as Ext. Y.

Special Judge (Vigilance)
Balangir