



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3746 of 2016

Prafulla Kumar Singh

....

Petitioner

Mr. Suraj Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

*Mr. Sanjay Kumar Das,
Standing Counsel (Vigilance)*

CORAM:

THE HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

27.02.2026

Order No.

19.

(Through hybrid mode)

1. This CRLMC has been filed with the following prayer:-

"It is, therefore, prayed that this Hon'ble Court may graciously be pleased to admit the present criminal miscellaneous application and issue notice to the opposite party, call for the L.C.R. and upon hearing the opposite party be further pleased to quash the FIR in connection with Vigilance Cell P.S. Case No.36 of 2016 corresponding to V.G.R. Case No.39 of 2016 pending before the Special Judge (Vigilance), Cuttack in the interest of justice."

2. The CRLMC has been filed on 18.11.2016. After defects were removed in the case, the case was taken up on 06.01.2023, on which date the matter was adjourned by learned counsel for the Petitioner to obtain instructions. It was again adjourned on 02.02.2023 and on 06.02.2023. On 20.03.2023, the following order has been passed:-



“2. Learned counsel for the petitioner submits that although he has challenged the FIR, but till date no charge sheet has been filed. He further submits that the petitioner would not have any objection for dismissal of the CRLMC in case charge sheet is filed in the meanwhile. A perusal of the record would go to indicate that FIR was lodged way back in the year 2016. Thus, in case charge sheet is found to have been placed in the meantime, the CRLMC would stand dismissed without further reference to the Bench, but if the investigation is found to be continuing, the matter would be listed on 31st March, 2023.

3. Learned counsel for the State Vigilance is accordingly directed to obtain and file instruction with regard to submission of charge sheet/continuation of investigation in this case.”

3. Thereafter time was sought for by the learned counsel for the Vigilance Department on 31.03.2023, 17.04.2023, 25.04.2023, 02.02.2026, 05.02.2026 and 18.02.2026. Thereafter the affidavit dated 20.02.2026 has been filed by the I.O. on 23.02.2026 in Cuttack Vigilance P.S. Case No. 36 of 2016 stating that chargesheet has been submitted in the case on 03.07.2024 under Sections 193/ 200/ 420 of IPC against the Petitioner. As order dated 20.03.2023 had not been brought to the notice of the Court, on 26.02.2026, considering the submission of the learned counsel for the Petitioner that he required one day time to verify the affidavit submitted by the Petitioner which has been referred to in the chargesheet, the case has been adjourned to today.



4. Mr. Suraj Mohanty, learned counsel for the Petitioner submits that on account of the personal difficulty of the Petitioner, he was unable to obtain the copy of the affidavit.
5. In view of the fact that chargesheet has been filed in the year, 2024 I am not inclined to entertain this CRLMC where the FIR in Vigilance Cell P.S. Case No. 36 of 2016 has been challenged.
6. Mr. Suraj Mohanty, learned counsel for the Petitioner submits that since fresh cause of action arises after filing of the chargesheet, he may be granted liberty to challenge the order of cognizance and proceedings.
7. Considering the said submission, the CRLMC is disposed of granting the aforesaid liberty provided charge has not yet been framed in the case.
8. Urgent certified copy of this order be granted on proper application.

(Savitri Ratho)
Judge

Puspa