



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 591 of 2024

Pradeep Raj Karat

.....

Petitioner

Mr. Lalitendu Mishra, Advocate

-versus-

State of Odisha (Vigilance)

.....

Opp. Party

Mr. N.C. Panigrahi, Senior Advocate

Mr. Niranjana Moharana, Additional
Standing Counsel, Vigilance

CORAM:

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

14.05.2025

Order No.

05.

(Through hybrid Mode)

1. Mr. Lalitendu Mishra, learned counsel for the petitioner prays for an adjournment.
2. Mr. Niranjana Moharana, learned Additional Standing Counsel submitted that he has instructions to conduct the case. Objection was made by Mr. Sagar Ranjan Panigrahi, learned counsel stating that Mr. Nirmal Chandra Panigrahi, learned Senior Counsel has been engaged in this case.
3. Mr. Moharana, learned Additional Standing Counsel Vigilance was asked to produce the written instructions of department/officer and the matter was passed over.

Later

4. Mr. Moharana, learned Additional Standing Counsel produces the instructions dated 14.05.2025 of the Superintendent of Police Vigilance, Cell, Cuttack which is taken on record. It is stated in the letter dated 14.05.2025 addressed to him, as follows:-

“In inviting a reference to the case cited above, it is to



intimate that Sr. Advocate Mr. N.C. Panigrahi who was conducting this case has been disengaged by the Government in the meantime. Consequent upon his disengagement, you are entrusted with this case to conduct the same on behalf of the Vigilance Department. The file will be handed over to you after getting back the same from Sr. Advocate Mr. N.C. Panigrahi.

This is for favour of kind information and necessary action.”

5. Mr. Nirmal Chandra Panigrahi, learned Senior Counsel himself appears in this case on virtual mode and submits that he has been engaged by the Vigilance Department and has filed his appearance memo on 29.02.2024 in this case and as he has not been disengaged, Mr. Niranjan Moharana, learned Additional Standing Counsel cannot appear in this case without his consent.

6. It would have been better if such a situation had not arisen . I am refraining from making any further observation , but would like to draw attention of the Bar to the relevant provision of the Bar Council of India Rules , which deal with the restriction on Senior Advocates and read thus : -

“Part VI - RULES GOVERNING ADVOCATES

Chapter I

Restrictions On Senior Advocates

[Rules under sections 16(3) and 49(1)(g) of the Act]Senior Advocates shall, in the matter of their practice of the profession of law mentioned in section 30 of the Act, be subject to the following restrictions:-



(a) A Senior Advocate shall not file a vakalatnama or act in any Court or Tribunal, or before any person or other authority mentioned in section 30 of the Act. Explanation.- "To act" means to file an appearance or any pleading or application in any Court or Tribunal or before any person or other authority mentioned in section 30 of the Act, or to do any act other than pleading required or authorised by law to be done by a party in such Court or Tribunal or before any person or other authority mentioned in the said section either in person or by his recognised agent or by an Advocate or an attorney on his behalf.

(b)(i) A Senior Advocate shall not appear without an Advocate on Record in the Supreme Court or without an Advocate in Part II of the State Roll in any Court or Tribunal or before any person or other authorities mentioned in section 30 of the Act.

(ii) Where a Senior Advocate has been engaged prior to the coming into force of the rules in this Chapter, he shall not continue thereafter unless an Advocate in Part II of the State Roll is engaged along with him. Provided that a Senior Advocate may continue to appear without an Advocate in Part II of the State Roll in cases in which he had been briefed to appear for the prosecution or the defence in a criminal case, if he was so briefed



before he is designated as a Senior Advocate or before coming into operation of the rules in this Chapter, as the case may be.

(c) He shall not accept instructions to draft pleading or affidavits, advice one voidance or to do any drafting work of an analogous kind in any Court or Tribunal or before any person or other authority mentioned in section 30 of the Act or undertake conveyancing work of any kind whatsoever. This restriction however shall not extend to settling any such matter as aforesaid in consultation with an Advocate in Part II of the State Roll.

(cc) A Senior Advocate shall, however, be free to make concession or give undertakings in the course of arguments on behalf of his clients on instructions from the junior Advocate.

(d) He shall not accept directly from a client any brief or instructions to appear in any Court or Tribunal or before any person or other authority in India.

(e) A Senior Advocate who had acted as an Advocate (junior) in a case, shall not after he has been designated as a Senior Advocate advise on grounds of appeal in a Court of Appeal or in the Supreme Court, except with an Advocate as aforesaid.



(f)A Senior Advocate may in recognition of the services rendered by an Advocate in Part II of the State Roll appearing in any matter pay him a fee which he considers reasonable.”

7. List this case on 02.07.2025.
8. I hope that by the next date, the matter will be sorted out and the Court will not be required to pass orders to deal with the situation which has arisen today .

(Savitri Ratho)
Judge

Sukanta