



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.892 of 2026

Ashwani Kumar Das

Adhikari

....

Petitioner(s)

Mr. Sanjay Kumar Das, Adv.

-versus-

State of Odisha (Vigilance)

....

Opposite Party(s)

*Mr. Niranjan Moharana, Addl. Standing Counsel
(for the Vigilance Department)*

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

ORDER

Order No.

01.

25.03.2026

1. This matter is taken up through hybrid arrangement.
2. By filing the present CRLMC, the Petitioner has prayed for quashing the order dated 20.02.2026 passed by the learned Special Judge (Vigilance), Baripada in V.G.R. Case No.09 of 2020 under Annexure-3, wherein the learned trial Court rejected the petition filed by the Petitioner seeking a short adjournment to cross-examine P.W.6 (I.O.) without proper consideration.
3. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the Vigilance Department.
4. Learned counsel for the Petitioner submits that during the course of trial, the prosecution has examined as many as six witnesses, including the Investigating Officer as P.W.6.



However, P.W.6 could not be cross-examined by the Petitioner and the learned trial Court proceeded to post the matter to 17.02.2026 for recording the statement of the accused without affording an opportunity to cross-examine P.W.6.

5. Learned counsel for the Petitioner further contends that on 17.02.2026, the Petitioner filed a petition under Section 348 of the B.N.S.S., which was allowed by the learned trial Court subject to payment of cost of Rs.5,000/- (Rupees Five Thousand).

6. Learned counsel for the Petitioner further contends that on 20.02.2026, as the Petitioner could not arrange the said amount, he prayed for fifteen days' time. It is also submitted that the counsel for the Petitioner was absent on that date due to the marriage ceremony of his son. However, the learned trial Court rejected the prayer for adjournment and posted the matter to 21.02.2026 for recording the statement of the accused.

7. Learned counsel for the Petitioner further contends that the evidence of the prosecution witnesses contains material contradictions with their earlier statements, and therefore, an opportunity to cross-examine P.W.6 is necessary for proper confrontation.

8. *Per contra*, learned Addl. Standing Counsel for the Vigilance Department opposes the prayer of the Petitioner.



9. On perusal of the impugned order dated 20.02.2026, it appears that on 17.02.2026, the recall petition of the accused was allowed subject to payment of cost of Rs.5,000/- to the witness before he stepped into the witness box. It was further directed that a singular opportunity would be granted to the Petitioner to cross-examine P.W.6 and that the cross-examination must be concluded on the same day without seeking further adjournment.

10. It further appears that the defence counsel did not express readiness to cross-examine the witness. The accused, who was present in the dock, neither paid the cost amount to the witness nor indicated willingness to proceed with the cross-examination through counsel. Instead, an oral prayer was made seeking fifteen days' time on the ground that the associate advocate was engaged in the marriage ceremony of his son.

11. After hearing learned counsel for the parties and on perusal of the impugned order, this Court is of the considered opinion that the Petitioner should be granted one final opportunity to cross-examine P.W.6 on a specific date, preferably within a period of two weeks from today. The cost imposed by the learned trial Court is modified and reduced to Rs.3,000/- (Rupees Three Thousand), to be paid to the witness before he steps into the witness box.



12. It is made clear that no unnecessary adjournment shall be granted, nor shall any further opportunity be afforded for cross-examination of P.W.6.

13. With these observations and directions, the CRLMC stands disposed of.

14. Pending application (s), if any, shall stand disposed of.

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

(Dr. Sanjeeb K Panigrahi)
Judge