



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLA No.413 of 2024

Antaryami Senapati

.....

Appellant

Represented By Adv. -
Mr. Santanu Kumar
Sarangi, Sr. Adv.,
Binaya Bhusan Routray

-versus-

State Of Odisha

.....

Respondent

Represented By Adv. –
Smt. Sasmita Nayak, ASC

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
13.12.2024

Order No.

- 03.
1. This matter is taken up through Hybrid mode.
 2. Heard Mr. S.K. Sarangi, learned Senior Counsel appearing for the Appellant as well as learned Additional Standing Counsel for the State-Opposite Party.
 3. Mr. S.K. Sarangi, learned senior counsel appearing for the Appellant at the outset raised the issue of jurisdiction of the OPID Court to entertain the FIR which has been registered alleging commission of offences under the sections of Indian Penal Code only. In other words, there is no allegation of commission of any offence under the provisions of the Odisha Protection of Interest of Depositors (In Financial Establishments) Act, 2011 (in short OPID Act). In the aforesaid background, learned senior counsel appearing for the Appellant argues before this Court that the OPID Court has no jurisdiction to entertain the complaint of the present nature,



particularly, in the absence of any allegation of violation of any of the provisions contained in the OPID Act. In the present criminal appeal, the learned counsel appearing for the Appellant has challenged the order passed by the learned OPID Court under Section 13 of the Act. It was further contended that in the present case, although the preliminary charge-sheet has been filed, however, the investigation has been kept open.

4. Learned Additional Standing Counsel for the State on the other hand contended that in view of the notification of the state government, the cases where the investigation is being done by the Economic Offences Wing of the state government, such cases are to be filed before the designated OPID Court. In such view of the matter, learned counsel for the State submitted that the learned OPID Court has not committed any illegality in passing the impugned order.

5. On a careful examination of the submissions made by the learned counsels appearing for the respective parties, further taking note to the provisions contained in the OPID Act, this Court is of the view that in absence of any specific provisions of the OPID Act and in absence of any specific allegation with regard to violation of any of the provisions of the OPID Act, the complaint lodged by the complainant cannot be entertained by the OPID Court. In the aforesaid backdrop, this Court is of the view that the matter requires further hearing. Furthermore, in order to explain the position better, this Court is of the view that opportunities should be provided to the OPID counsel. Accordingly, the name of Mr. Bibekananda Bhuyan be reflected in the cause list as counsel for the OPID to assist this Court in deciding the appeal.



6. Registry is directed to reflect the name of Mr. B. Bhuyan in brief as well as in the cause list as counsel for the OPID.

7. List this matter on 17th December, 2024. In the meantime, learned counsel for the State shall also obtain instruction as to how the OPID Court entertained the complaint which involves the offences only under the Indian Penal Code without there being any specific allegation of violation of any of the provisions of the OPID Act.

Urgent certified copy of this order be granted on proper application.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout