



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.2237 of 2025

Ratikanta Rout

.....

Petitioner

Represented By Adv. -
Satya Ranjan Mulia

-versus-

***Deputy Director, Enforcement
Directorate, BBSR and others***

.....

Opposite Parties

Represented By Adv. -
Partha Sarathi
Nayak,m/s
Bibekananda Nayak
(r.c.)(e.d.)

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

ORDER
12.11.2025

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr. P.S.Nayak, learned counsel as well as Mr. B.Nayak, learned counsel appearing for the Retainer Counsel appearing for the Enforcement Directorate. Learned counsels for the E.D. argued on the maintainability on the present application under Section 482 Cr.P.C. principally on two grounds.

1. The attachment proceeding under Section 5 of the PMLA Act, 2002 is a civil proceeding, therefore the same is not amendable to the jurisdiction of this Court under Section 482 of the Cr.P.C.

2. Since an alternative remedy in the shape of



filing an objection at the time of adjudication of the complaint under Section 8 is available to the petitioner the present application under Section 482 Cr.P.C. challenging the attachment order is not maintainable.

3. Mr. Das, learned Senior Counsel appearing for the Petitioner on the other hand submitted that in an identical matter which was being adjudicated by a coordinate bench of this Court in CRLMC No.1008 of 2025, such a question with regard to the maintainability of the application was never raised by the E.D. and the learned coordinate bench proceeded with the adjudication of the matter under Section 482 Cr.P.C. Referring to the judgment dated 05.05.2025 in CRLMC No.1008 of 2025, learned Senior Counsel for the Petitioner contended that the Opposite Party-E.D. is estopped from raising a question of maintainability in the present application.

4. On the request of learned counsel appearing for the E.D., he is granted time till day after tomorrow to go through the judgment and apprise this Court on the judgment of the coordinate bench in CRLMC No.1008 of 2025.

5. List this matter on 14.11.2025.

6. Learned counsels appearing for the E.D. at this juncture referred to the provision contained in Section 5(1) of the PMLA Act, 2002 and submitted before this Court that the order of attachment passed under Section 5 is valid for a period on 180 days from the date of the order. He also referred to the proviso wherein it has been mentioned that while calculating the aforesaid period of 180 days, the period during which the proceeding under this section is stayed by the High Court shall be excluded and a further period not extending 30 days from the date of order of vacation of such stay order shall be



counted. In view of the proviso to Section 5(1), this Court is of the view that the interim order passed earlier is required to be modified hence the further proceeding is stayed till the next date.

(A.K. Mohapatra)
Judge

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