



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2474 of 2025

***Asutosh Behera and
another***

....

Petitioner(s)

Mr. Bidyadhar Mansing, Advocate

-versus-

***State of Odisha and
others***

.... ***Opp. Party(s)***

*Mr. N. Moharana, ASC
(For Vigilance Department)*

CORAM:

THE HON'BLE MR. JUSTICE SIBO SANKAR MISHRA

Order No.

**ORDER
11.12.2025**

- 08.
1. Heard.
 2. The petitioners have earlier approached this Court by filing CRLMC No.2566 of 2024 seeking quashing of the entire proceeding initiated against them on the ground that the FIR was registered on 29.09.1999. After investigation, although the Vigilance Department filed the closure report on 24.12.2000, but the learned trial court, vide order dated 05.04.2003, directed the Vigilance Department to reinvestigate the case being not satisfied with the closure report. Thereafter, the



Vigilance Department filed the charge sheet in the year 2013 and cognizance of offence was taken on 30.10.2013. At that point of time, the present petitioners had filed another petition u/s 482 Cr.P.C challenging the cognizance order in the year 2014 and the said petition was dismissed by this Court granting liberty to the petitioners to urge all the points before the learned trial court at the stage of framing of the charges. Subsequently, charges were framed in the present case on 22.02.2024. Against the said order of framing of charges, the petitioners have filed a revision petition, which is stated to be pending before this Court.

3. When the matter stood thus, this Court, vide order dated 05.03.2025 in CRLMC No. 2566 of 2024, by taking note of the report dated 13.11.2024 filed by the learned Special Judge (Vigilance), Cuttack, has directed the learned trial court to conclude the trial, as expeditiously as possible, preferably within a period of three months.

4. Mr. Mansing, learned counsel for the petitioners submits that despite the aforesaid order, the trial is still going on at snail's pace and, therefore, he reiterated his prayer for quashing of the entire proceeding by filing the present CRLMC No. 2474 of 2025. Discovering that the earlier CRLMC No. 2566 of 2024 order dated 05.03.2025 was passed by this Bench, the present CRLMC No. 2474



of 2025 has been assigned to this bench.

5. When this matter was heard by the Coordinate Bench of this Court, a report from the learned trial court was sought regarding the status of the trial of the case and in pursuance thereof, the learned trial court informed this Court that only two witnesses have been examined as yet. However, from the record, it reveals that pursuance to the order dated 05.03.2025, the learned Special Judge (Vigilance), Cuttack although ought to have concluded the trial within the time stipulated by the said order, but the learned trial court could not conclude the trial, as per the direction of this Court. Hence, it was the obligatory on the part of the Special Judge, Vigilance, Cuttack to seek for extension of time. But nothing is coming to the fore to suggest that the learned Special Judge, Cuttack even sought for any extension and have been proceeding with the matter even after expiry of stipulated three months. Therefore, it seems the trial court has contravened the direction given by this Court by sitting over the matter without even asking for extension of time. In that view of the matter, I feel it appropriate to seek a report from the learned Special Judge, Vigilance, Cuttack in that regard by the next date of hearing. Registry is accordingly directed to carry out this direction.



6. The matter is partly heard and it is found that there are multiple litigations filed by not only the present petitioners but also the co-accused persons, and the orders passed by this Court at different stages in different proceedings have not been placed on record to appreciate the real sequence of events. Therefore, in the fitness of situation, the parties are directed to file exhaustive list of dates along with the documents, so as to ascertain whether the delay of 27 years caused in the conclusion of trial in the present case is attributable to the accused or the prosecution.

7. List this matter on 6th of January, 2026.

Ashok

(S.S. Mishra)
Judge