



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2684 of 2024

Smt. Sadhna Soreng

.....

Petitioner

Represented By Adv. -
Soumendra Pattanaik

-versus-

State Of Orissa (Vigilance)

.....

Opposite Party

Mr. N. Moharana, Standing
Counsel for Vigilance

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

12.08.2025

Order No.

- 03.
1. This matter is taken up through Hybrid mode.
 2. Heard the learned counsel for the Petitioner as well as learned Standing Counsel for the Vigilance Department. Perused the application as well as the prayer made therein.
 3. By filing the present application under Section 482 of Cr.P.C. the Petitioner seeks to invoke the inherent jurisdiction of this Court to quash the entire vigilance case against the Petitioner in Sambalpur Vigilance P.S. Case No.42 of 2018, which was registered for alleged commission of offence punishable under Section 13(2) read with Section 13(1)(e) of P.C. (Amendment Act, 2018) and Section 109 of IPC, pending for trial in the Court of learned Special Judge



(Vigilance), Sundargarh in V.G.R. Case No.13 of 2018.

4. Learned counsel for the Petitioner at the outset contended that the Petitioner, who happens to be the wife of the principal accused in Sambalpur Vigilance P.S. Case No.42 of 2018, has been arrayed as an accused on the basis of the fact that she happens to be the wife of the principal accused who is a teacher in a government school. Learned counsel for the Petitioner further submitted that during investigation it was found that the principal accused, namely one Ramlal Tanty is in possession of assets disproportionate to his known sources of income to the tune of 81.77%. He further submitted that the principal accused had acquired a land and constructed a building in the name of his wife, the present Petitioner. The only allegation against the present Petitioner is that the property, which is the subject matter of dispute, stands recorded in the name of the present Petitioner and a building has been constructed thereupon.

5. Learned counsel for the Petitioner in course of his argument, referred to the charge-sheet at Annexure-2 and submitted that the present Petitioner has his own source of income and accordingly she is an income tax assessee. In such view of the matter, learned counsel for the Petitioner contended that the property in question belongs to the Petitioner and the same has been erroneously added to the immovable property of the principal accused and accordingly the Petitioner has been made a co-accused in the above noted vigilance case.

6. In course of his argument, learned counsel for the Petitioner referred to the judgment of this Court in *Smt. E. Swarnalata @ P.*



Swarnalata v. State of Odisha (Vigilance) in CRLMC No.2660 of 2023 decided on 06.03.2024 as well as in the case of *Sasmita Pradhan v. State of Odisha (Vig.)* in CRLMC No.3657 of 2024 decided on 16.04.2025. By referring to the above noted two judgments, learned counsel for the Petitioner contended that the Petitioner, who happens to be a housewife, is having her own source of income and has been falsely implicated in the present case. Learned counsel for the Petitioner further specifically referred to the observation of the Coordinate Bench in Para-5 of the judgment in *Smt. E. Swarnalata's* case (supra). In such view of the matter, he further contended that the present Petitioner could not have been impleaded as a co-accused with the aid of Section 107 of the IPC and, as such, is not liable to be punished under Section 109 of the IPC. On such ground, learned counsel for the Petitioner contended that the entire criminal proceeding is liable quashed.

7. Mr. Moharana, learned Standing Counsel for the Vigilance Department on the other hand submitted that the application filed by the Petitioner for quashing of the entire proceeding is thoroughly misconceived. He further submitted that the immovable property which is in dispute has been acquired by the husband of the Petitioner, who happens to be a government employee, and for the aforesaid purpose the Petitioner participated in the alleged crime to the extent of acquiring such assets in her name. Thus, learned Standing Counsel further submitted that the Petitioner cannot take the plea of an innocent housewife as she has claimed herself to be an income tax assessee and she has filed her income tax returns. Therefore, it was contended that there exists ample material against the present Petitioner to implicate her in the present crime as an



abettor. Thus, the vigilance department has not committed any illegality in adding the present Petitioner as a co-accused to the alleged crime.

8. Mr. Moharana, learned Standing Counsel for Vigilance Department also referred to the judgment of this Court in **Anuradha Negi v. State of Odisha (Vigilance)** in CRLMC No.1520 of 2024 decided on 07.12.2024. By referring to the aforesaid judgment learned Standing Counsel for the Vigilance Department contended that the learned Coordinate Bench has clearly distinguished the judgment in **Smt. E. Swarnalata's** case (supra) as well as in **Sujata Nanda v. State of Orissa (GA)** decided in CRLREV No.433 of 2012. The fine line of distinction that has been drawn by the learned Standing Counsel for Vigilance Department is that the cases which the Petitioner has relied upon in support of his contention are based on the fact that the accused persons were not income tax assesses and they were not filing regular income tax returns. Accordingly, the learned Coordinate Bench has distinguished those two decisions in **Anuradha Negi's** case (supra). The aforesaid distinction has been clearly spelt out in Para-10 & 11 of the judgment in **Anuradha Negi's** case (supra).

9. So far the judgment of this Court in **Sasmita Pradhan's** case (supra) is concerned, the learned Standing Counsel for Vigilance contended that although the Petitioner in that case was the wife of the principal accused, however, she was implicated in the offence only with the aid of Section 109 of IPC. Further, the facts of that case are completely different from the case of the Petitioner. In **Sasmita Pradhan's** case (supra) the Petitioner had an established



business and she was a regular income tax assessee. The business of the Petitioner in that case was not disputed by the department. Whereas, in the present case, the business that has been carried out by the Petitioner has been seriously questioned by the department and it has been said that the income tax returns have been filed falsely in the name of the Petitioner. Moreover, the immovable assets were not acquired in the name of the Petitioner in *Sasmita Pradhan's* case (supra). On such ground, learned Standing Counsel contended that the judgment of this Court in *Sasmita Pradhan's* case (supra) could not help the Petitioner much in the present case.

10. In reply to the contention raised by learned Standing Counsel for Vigilance, learned counsel for the Petitioner contended that although the property which has been acquired in the name of the Petitioner in the present case is well within the income limit as has been disclosed in her income tax return, however, the building over the property has been constructed with the money provided by her husband who happens to be a government teacher. He further contended that the Petitioner has also availed loan from the Bank for construction of such property. Therefore, the assessment of disproportionate assets to the tune of 81.77% is completely erroneous and the same should not have been accepted by the learned trial Court while accepting the charge-sheet.

11. Having heard the learned counsels appearing for the respective parties and on a careful examination of the background facts of the present case, this Court at the outset observes that the present application has been filed at the instance of the accused-wife of the government servant for quashing of the entire criminal



proceeding as against the present Petitioner. The principal ground that has been taken in the present application is based on the observation of the learned Coordinate Bench in Para-5 of ***Smt. E. Swarnalata's*** case (supra), i.e., it is usually the practice that an unemployed wife is always dependant upon the will of her employed husband more so when the wife is a housewife and does not have any independent source of income of her own. Further, the learned Coordinate Bench observed that because of the Petitioner's relationship with the husband, as his wife, she is sometimes unwillingly compelled to do certain acts at the instance of the accused-husband. This happens because of the dominance of the husband over the wife who is completely dependant upon the husband. As such, the learned Coordinate Bench has drawn a presumption that mere participation of the wife with her husband cannot ipso facto prove the guilt of the Petitioner-wife.

12. The aforesaid analysis of the learned Coordinate Bench would have helped the Petitioner in the present case if the property was not acquired in the name of the present Petitioner and the building would not have been constructed thereupon. Additionally, the applicability of the aforesaid principle is negated by the fact that the Petitioner has shown herself to be an income tax assessee and that she was filing income tax returns. Prima facie examination of the record does not justify the income of the wife for acquisition of the asset as has been recorded by the vigilance department. On a careful reading of the judgment in ***Smt. E. Swarnalata's*** case (supra) as well as in ***Sasmita Pradhan's*** case (supra), this Court is of the view that those two judgments have been rendered in a slightly different factual scenario. Therefore, the end result of those two cases, i.e., quashing



of the criminal proceedings would not help the Petitioner in the present case in view of the factual scenario involved in the Petitioner's case.

13. This Court also examined the judgment in *Anuradha Negi's* case (supra) relied upon by the learned Standing Counsel for Vigilance Department. In the said judgment the learned Coordinate Bench has clearly drawn the distinction in Para-10 & 11 of the said judgment on the basis of the facts of the cases in *Smt. E. Swarnalata's* case (supra) and *Sujata Nanda's* case (supra). The distinction is primarily based on the facts that although the Petitioner in *Smt. E. Swarnalata's* case (supra) was not an income tax assessee and that she was a pure housewife. In contradiction, in the present case the Petitioner has shown her own source of income and that she was filing income tax returns and the vigilance department have found during investigation that she had no such source of income. Thus, such finding of the investigating agency falsifies the stand of the Petitioner. As such, the same is a matter of trial and in the background of such dispute the entire criminal proceeding cannot be quashed.

14. In view of the aforesaid analysis of the factual position, further taking into consideration the principle laid down by this Court in various judgments, as has been referred hereinabove, this Court is of the considered view that in the facts and circumstances of the present case, the exercise of the inherent power of this Court under Section 482 of Cr.P.C. to quash the proceeding would be an illegality and the same will only amount to an abuse of process of law. Therefore, while disposing of the present application without



interfering with the pending criminal proceeding, this Court directs that the trial be expedited and the learned trial Court shall make every endeavor to conclude the trial as expeditiously as possible preferably within a period of one year. The Petitioner is directed to cooperate with the early conclusion of the trial.

15. With the aforesaid observations/directions, the CRLMC stands disposed of.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout