



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2643 of 2024

1) Pravakar Mohanty

.....

Petitioners

2) Chinmayee Mohanty

Represented By Adv. -
Prasanna Kumar Mishra

-versus-

State Of Odisha(vig.)

.....

Opp.Party

Represented By Adv. –
N.Moharana, ASC for
Vigilance Dept.

CORAM:

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

ORDER

14.08.2024

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioners as well as learned Additional Standing Counsel for the Vigilance Dept.
3. Learned counsel for the petitioners at the outset submitted that the case has been registered by the Vigilance Dept. for commission of offence under the Prevention of Corruption Act, 1988 while they were in service. Initially, sanction was sought for from the employers, however, the same was refused. Thereafter, the Vigilance Dept. waited for the retirement of the petitioners and thereafter the charge sheet has been filed and the case is proceeding against the present petitioners. Learned counsel for the petitioners further contended that the petitioners moved an application on the ground of want of sanction before the learned Trial Court. However the learned Trial court vide order dated 03.06.2022 refused such prayer of the present petitioners on the ground



that since accused has already retired from government service no sanction order is required, as has been observed by the Apex Court and further proceeded to take cognizance of the offence under the Prevention of Corruption of Act. At this juncture, learned counsel for the petitioners, referring to the judgment of the Hon'ble Supreme Court in the matter of *Chittaranjan Das vs. State of Orissa* in *Criminal Appeal No.820 of 2007* decided on 04.07.2011 submitted before this Court that in a case of this nature where sanction was initially refused when the public servant was in service, later on the prosecution cannot proceed against the petitioners after their retirement from service.

4. Considering such submission, Mr. Moharana, learned Additional Standing Counsel for Vigilance Dept. accepts notice on behalf of Opposite Party, let an extra copy of the brief be served on him by day after tomorrow (16.08.2024).

5. List this matter on 18.09.2024.

I.A. No.1815 of 2024

6. Heard.

7. Notice as above.

8. As an interim measure, it is directed that on an application being filed by the Petitioner before the learned Special Judge Vigilance Cuttack, learned court in seisin over the matter shall not proceed in the matter for a period of eight weeks.

9. Accordingly, I.A. is disposed of.

(A.K. Mohapatra)
Judge

Anil