



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2754 of 2024

An application under Section 528 of the BNSS.

Pravat Kumar Panda

Petitioner

Represented By Adv.

Mr. Rajjeet Roy

-versus-

State of Orissa

Opposite Party

Represented By Adv.

Mr. N. Maharana, A.S.C.

CORAM:

THE HON'BLE MR. JUSTICE A.K.MOHAPATRA

Date of hearing : 27.02.2026 | Date of Judgment : 22.05.2026

A.K. Mohapatra, J. :

1. The present CRLMC petition has been filed by the Petitioner invoking the inherent jurisdiction of this Court under Section 528 of the BNSS, seeking quashing of the entire criminal proceeding in the shape of T.R. Case No. 213 of 2007, corresponding to VGR No. 05 of 1993, arising



out of Cuttack Vigilance P.S. Case No. 05 of 1993, for the commission of offences under Sections 13(2) and 13(1)(d) of the Prevention of Corruption Act, 1988 (hereinafter "PC Act"), and Sections 409, 420, 468, 471, 477A, and 34 of the IPC, pending before the Court of the learned Special Judge (Vigilance), Cuttack.

FACTUAL MATRIX OF THE CASE

2. A brief run-down of the central facts of the present case, as gathered from the FIR, the Chargesheet and the CRLMC petition, is as follows; Initially, during the year 1990-91, the State Government introduced a special programme for implementation of a centrally sponsored scheme, for assistance to small and marginal farmers with a view to increase the agricultural production. In furtherance of the said scheme, 150 Shallow Point Tube Wells (hereinafter "SPTWs") along with an amount of Rs.2,49,000/- were sanctioned for Raghunathpur Block, and placed at the disposal of the BDO, Raghunathpur, for execution of the scheme. The initiative entailed a hundred per cent government subsidy to beneficiaries, with each beneficiary entitled to receive Rs. 3,000/- for the installation of one SPTWs. The beneficiaries were to be first selected by the VLWs, Ward Members, Sarpanch, and the BDO, and then approved by the DRDA, Cuttack. Accordingly, Eighty-three (83) beneficiaries were duly selected from different gram panchayats of the Block, and the list was sent to



DRDA, Cuttack for approval. The execution of the work was first entrusted to the CEO Biswanath Jena, and subsequently to the Additional CEO Bhaskar Chandra Mohanty, who were to be assisted by JEs (Nandakishore Pal, Pravat Kumar Panda, i.e. the present Petitioner, and Pitabash Mishra), along with the VLWs of the concerned gram panchayats, as per the orders of the BDO vide Letter No. 1740 dated 30.01.1991.

3. It is in the aforesaid background that that on 02.02.1993, a written report was lodged before the Superintendent of Police, Vigilance, Cuttack Division, Cuttack, alleging misappropriation of Government subsidy to the tune of Rs.1,50,000/- in connection with the false installation of SPTWs in Raghunathpur Block and, an inquiry was taken up pursuant to such report. The inquiry revealed that out of 83 SPTWs which were sanctioned, only 33 were actually installed using PVC Pipe of 2" diameter, clearly violating the prescribed instructions.

4. It has been alleged in the FIR that the VLWs, JEs, CEO, and Additional CEO entrusted with the installation works in each of Raghunathpur, Jagannathpur, and Adheikula gram panchayats had furnished false completion reports regarding the installation of SPTWs, acted in collusion with 49 beneficiaries to obtain fake cash memos in respect of purchase of materials for the sinking of SPTWs and prepared false completion certificates, thereby misappropriating subsidy to the tune of



Rs.1,47,000/-, causing an equivalent loss to the Government. Subsequently, on the basis of the aforesaid written report, an FIR, a copy of which is available at Annexure-1, was registered vide Cuttack Vigilance P.S. Case No.05 dated 02.02.1993, against eight Government officials including the present Petitioner, under Sections 13(2) and 13(1)(d) of the PC Act, and under Sections 409, 420, 468, 471, 477A, and 34 of the IPC. Thereafter, Chargesheet No.11 dated 30.06.1997, at Annexure-2, was filed against the Petitioner and fifty five other individuals for commission of offences under the aforementioned sections. Consequently, the learned Special Judge (Vigilance), Bhubaneswar, by order dated 30.06.2001, took cognizance of the offences under the PC Act and the IPC against all 56 charge-sheeted accused persons including the Petitioner, and issued summons to the accused persons for appearance on 06.09.2001. However, the case record was later transferred to the Court of the learned Special Judge (Vigilance), Cuttack, on 02.02.2007, where it has been pending as T.R. Case No. 213 of 2007. It is in the aforesaid background that the Petitioner has filed the present CRLMC application, with the prayer as mentioned hereinabove.

CONTENTIONS OF THE PETITIONER

5. Heard Mr.Rajjeet Roy, learned Counsel appearing for the Petitioner. The primary contention advanced on behalf of the Petitioner is that the continuation of the criminal proceeding against him, after the lapse



of more than thirty-two years since the registration of the FIR on 02.02.1993, without the trial having so much as commenced and no charge having been framed, constitutes grave and inordinate delay which directly violates his right to speedy trial as guaranteed under Article 21 of the Constitution of India. To corroborate the Petitioner's stance, the learned counsel for the Petitioner contended that the right of the accused to a speedy trial has been long and firmly recognised as an essential ingredient of a reasonable, fair, and just procedure, and is a necessary concomitant of the overall right guaranteed under Article 21 of the Constitution of India. Relying on the pronouncements of the Hon'ble Supreme Court in *Hussainara Khatoon v. Home Secretary, State of Bihar*, reported in 1980 (1) SCC 81; *Maneka Gandhi v. Union of India*, reported in 1978 (1) SCC 248; *P. Ramachandra Rao v. State of Karnataka*, reported in 2002 (4) SCC 578, and *Vakil Prasad Singh v. State of Bihar*, reported in (2009) 3 SCC 355, learned counsel for the Petitioner submitted that it is the constitutional obligation of the State to devise such a procedure as would ensure a speedy trial to the accused. It was contended by the learned counsel that even though no rigid outer time limit can realistically be prescribed for the conclusion of criminal proceedings, the guidelines enunciated in *A.R. Antulay's* case (*supra*) adequately protect the right to speedy trial of the accused. The learned counsel for the Petitioner contended that it has been



firmly held by the Apex court that in every case, upon examination of the relevant factors relating to the length of the delay, the reasons therefor, the nature of the offence and the prejudice caused to the accused, it might be determined whether the trial or proceedings have become so inordinately delayed as to be rendered oppressive and unwarranted. In the present case, the learned counsel for the Petitioner submitted that a period of over three decades has elapsed since the registration of the FIR, charges are yet to be framed, and the trial has not commenced. Therefore, the inordinate delay in completion of the proceeding has clearly become oppressive and unwarranted.

6. The learned counsel for the Petitioner further submitted that apart from the inordinate delay in conclusion of the proceeding, even on the facts as disclosed by the prosecution case, no prima facie case is made out against the Petitioner. It was submitted that as per the investigation, the execution of the scheme was entrusted by the BDO to the CEO and the Additional CEO. The Petitioner, acting as a JE, was merely deployed in an assistive capacity and has performed his duties in accordance with the directions of the BDO. As such, no role in the alleged misappropriation can be attributed to the Petitioner. Furthermore, learned counsel for the Petitioner submitted that, the BDO (one, Brajabandu Biswal), who bore overall charge of the scheme and who admittedly did not conduct any spot inspection prior to



disbursement of the subsidy amount, has been inexplicably not charge-sheeted in the case. In such circumstances, learned counsel for the Petitioner contended, the implication of the Petitioner in the present case is wholly unfounded and baseless.

7. Thereafter, the learned counsel for the Petitioner, drew the attention of this Court to the judgment dated 27.02.2024 passed by a Coordinate Bench of this Court in CRLREV No.795 of 2014 and submitted that the case of the present Petitioner is squarely covered by the aforesaid judgment. Learned counsel for the Petitioner submitted that the aforesaid criminal revision was filed by one Nanda Kishore Pal, who happens to be one of the co-accused in the present Cuttack Vigilance P.S. Case No.05 of 1993 and was entrusted with identical duties of JE at the time of occurrence like the present Petitioner. It was stated that in the aforesaid CRLREV the Court ruled in favour of the Petitioner therein by quashing the impugned order refusing to discharge him, on the ground of non-framing of charge for three decades without any fault of the petitioner, the prosecution's own inability to specifically establish the petitioner's role and, the resultant infringement of the Petitioner's constitutional right to a speedy trial under Article 21 of the Constitution. Learned counsel for the Petitioner contended that the primary ground upon which Nanda Kishore Pal was discharged, was the unconscionable delay in the disposal of the criminal proceeding and that



the present Petitioner suffers from an identical predicament. It was submitted that since the present Petitioner stands in the exact same footing as the Petitioner in the aforementioned CRLREV, with respect to the delay in trial, he ought to be accorded the same relief as was extended to Nanda Kishore Pal, i.e. the Petitioner in CRLREV No.795 of 2014.

8. Lastly, it has been contended by the learned counsel for the Petitioner that after three decades from the date of registration of the FIR, not only has the trial not commenced, but there does not appear to be any possibility of completion of the trial in the near future since most of the accused persons and witnesses have passed away in the meantime. The learned counsel for the Petitioner submitted that seventeen (17) out of the total fifty six (56) charge-sheeted persons have perished during pendency of the case and the case against them has abated. Moreover, considering the fact that the case has been pending for nearly three decades, the Petitioner has suffered considerable mental, physical and financial difficulties. Learned counsel for the Petitioner stated that any further continuance of the present criminal proceeding will not serve any fruitful purpose other than inflicting more misery on the Petitioner. As such, it was prayed that the present criminal proceeding against the Petitioner be quashed in the larger interest of justice.



CONTENTIONS OF THE OPPOSITE PARTY-VIGILANCE DEPARTMENT

9. Heard Mr. N. Maharana, learned Counsel appearing for the State-Vigilance Department. It is the foremost submission of the Opposite Party-Vigilance Department that the delay in the commencement and conclusion of the trial in the present case is not, in any manner, attributable to the Prosecution. On the contrary, the delay has been caused substantially by the conduct of the accused persons including the Petitioner herein. Learned counsel for the Opposite Party-Vigilance department submitted that after the records of the case were transferred to the Learned Special Judge (Vigilance), Cuttack, several summons were repeatedly issued to the accused persons to appear before the trial Court on the date fixed. However, the accused persons did not appear before the Court below on the dates fixed. It was only after a prolonged period that the accused persons eventually appeared, and were served the police papers in compliance of Section 207 of the Cr.P.C on 17.02.2014.

10. Learned counsel for the Opposite Party-Vigilance department contended even after serving of the police papers, the accused persons persistently sought successive adjournments on various pretexts, thereby preventing the learned trial court from proceeding to frame charge. It was at this point that one of the accused persons, namely Nanda Kishore Pal,



further filed CRLREV No. 795 of 2014 before this Hon'ble Court, assailing the rejection of his discharge petition dated 18.08.2014. The pendency of the said criminal revision was pressed into service by the accused persons as an additional ground for seeking repeated adjournments and for resisting the framing of charge. Thereafter, the learned trial court issued NBWs against several accused persons and, finally the case was split up, the charge was framed therein on 20.01.2025, and the trial has since commenced. Therefore, the learned counsel for the Prosecution-Vigilance department contended that the inordinate delay in the present case is directly occasioned by the conduct of the accused persons and not by any laches of the part of the Prosecution.

11. Learned counsel for the Opposite Party-Vigilance department further submitted that that the Petitioner, being one of 56 accused persons who collectively contributed to the delay through non-appearance and successive adjournments, cannot be permitted to take advantage of such delay which is of the accused persons' own making. Learned counsel further contended that the Petitioner ought to have availed the appropriate remedy of seeking a split-up of the trial before the learned Trial Court, or of moving this Hon'ble Court at an earlier stage for directions ensuring a speedy trial. Having chosen neither and having instead participated in the conduct of the accused persons that engendered the delay, the learned counsel for the



Opposite Party-Vigilance department submitted that the Petitioner is disentitled from invoking the self-same delay as a ground for quashing of the criminal proceeding.

12. Controverting the contention of the Petitioner that the infringement of his right to speedy trial bestows upon him the benefit of quashing the criminal proceeding instituted against him, the learned counsel for the Opposite Party-Vigilance department submitted that the jurisprudence on the right to speedy trial, as authoritatively settled by the Hon'ble Supreme Court, does not admit of mechanically considering the passage of time in conclusion of trial as an invariable ground for quashing criminal proceedings. Learned counsel for the Vigilance department further contended that the law with regard to consideration of inordinate delay as a ground to quash a criminal proceeding, as it stands, requires a careful balancing of all the relevant factors of the case such as the actual reason for the delay, complications involved in the case, the gravity of the offence involved therein etc., and mere lapse of time does not, by itself, mandate the termination of the criminal proceeding.

13. To further corroborate his contentions, the learned counsel for the Opposite Party-Vigilance department placed reliance on the Apex Court's decision in *A.R Antulay's* case (*supra*) and submitted that when a ground of delay in conclusion of the trial is taken by the Petitioner, quashing of the



criminal proceeding is not the sole outcome. Rather, it is open to the Court to make such other appropriate order as may be deemed just and equitable in the circumstances, including an order to conclude the trial within a fixed time, or to reduce the sentence where the trial has already concluded. Further, referring to ***Mohd. Hussain @ Julfikar Ali v. The State (Govt. of NCT of Delhi)***, reported in ***(2012) 9 SCC 408*** and ***Ranjan Dwivedi v. CBI through Director General***, reported in ***(2012) 8 SCC 495***, learned counsel for the Opposite Party-Vigilance department submitted that the right to speedy trial is in its very nature relative, and that each case of delay must be examined on its own facts and circumstances and mere lapse of several years since the commencement of prosecution does not, by itself, justify the discontinuance of prosecution. Instead, the nature and gravity of the crime, the persons involved, and the social impact must all be weighed before taking a decision. In the aforesaid context, the learned counsel for the Vigilance department has relied on ***Sajjan Kumar v. CBI***, reported in ***(2010) 9 SCC 368***; ***Japani Sahoo v. Chandra Sekhar Mohanty***, reported in ***(2007) 7 SCC 394*** and ***Mangilal Vyas v. State of Rajasthan***, reported in ***(1990) (1) Scale 63***. The learned counsel, drawing the attention of this Court to the offences alleged against the Petitioner and the statutory provisions involved in the present case, contended that the provisions of the PC Act carry immense social relevance and the legislative intent behind such



legislation is to eradicate corruption and provide deterrent punishment. As such, allowing the present criminal proceeding, which involves provisions of the PC Act, to be quashed solely on the account of delay, without scrutinising other relevant factors, would defeat the purpose of the legislation and erode the faith of the people in the judicial system. In this context, learned counsel for the Opposite Party-Vigilance department referred to *Niranjan Hermchandra Sashittal and Anr. v. State of Maharashtra*, reported in (2013) 4 SCC 642 and *Ashok Tshering Bhutia v. State of Sikkim*, reported in (2011) 4 SCC 402.

14. Addressing the claims of the Petitioner that he stands squarely in the same footing as the Petitioner in CRLREV No.795 of 2014, learned counsel for the Opposite Party-Vigilance department contended that the Petitioner's reliance upon the judgment dated 27.02.2024 in the aforesaid criminal revision involving his co-accused, is wholly misplaced. Learned counsel for the Opposite Party-Vigilance department stated that proceeding against Nanda Kishore Pal, i.e. the Petitioner in CRLREV No.795 of 2014, was quashed not merely on the ground of delay, but also on the ground of absence of sanction for prosecution against him, which is a distinguishing circumstance that is entirely absent in the case of the present Petitioner against whom a valid sanction order for prosecution exists. Furthermore, Nanda Kishore Pal had assailed his rejection order of discharge beforehand.



Whereas, the present Petitioner never availed any recourse of law seeking a speedy trial or a split-up trial at any earlier stage, and instead, chose to raise the grievance of delay only through the present application filed long after the delay had already accumulated. Further, the learned counsel for the Opposite Party-Vigilance department contended that the law is well settled that once charge is framed the trial ought to be allowed to reach its logical end by way of either conviction or acquittal. It was contended that a criminal prosecution cannot be brought to an end without testing the evidence after the charge is framed, even on the ground of delay. Learned counsel for the Vigilance department further submitted that in the present case, charge has been framed since 20.01.2025 and the trial has now commenced. Therefore, the Petitioner cannot claim parity with Nanda Kishore Pal, and the precedent of the judgement dated 27.02.2026 in CRLREV No.795 of 2014 cannot be mechanically transplanted to the present Petitioner's case.

15. In view of the aforesaid legal submissions, the learned counsel for the Opposite Party-Vigilance department submitted that the prayer of the Petitioner is unsustainable in law and, as such, the present CRLMC petition is liable to be dismissed forthwith. It was further prayed that, instead of quashing the present criminal proceeding, this Court may direct the learned



Trial Court to proceed with and conclude the trial expeditiously in a time bound manner.

ANALYSIS OF THE COURT

16. Heard learned counsel for the respective parties, perused the petition, the FIR, chargesheet, case laws referred to by the parties and other documents on record. So far as the present case at hand is concerned, it is undisputed that the FIR was registered on 02.02.1993 and the chargesheet was filed four years later on 30.06.1997. Four years thereafter, on 30.06.2001, the cognizance in the matter was taken. Six years after the cognizance was taken, the case was transferred to the learned Special Judge (Vigilance), Cuttack, on 02.02.2007. At the time of the filing of the present CRLMC petition in 2024, nearly thirty-one (31) years had elapsed without any charge being framed therein. It is in this background that the Petitioner claims the relief as prayed for in the present CRLMC application.

17. The contours of the High Court's inherent jurisdiction to quash criminal proceedings stand authoritatively delineated in ***State of Haryana v. Bhajan Lal***, reported in ***1992 Supp (1) SCC 335***, wherein it was held that no rigid or exhaustive guidelines can be laid down and that such power must be exercised sparingly, with circumspection, and in the rarest of rare cases. The Court clarified that, at this stage, the allegations in the FIR/complaint are to be taken at their face value, without embarking upon an enquiry into



their reliability or evidentiary worth. While observing thus, the Hon'ble Supreme Court, in para 102 thereof, laid down seven illustrative categories where quashing may be justified. Such principles are anchored in the Hon'ble Apex Court's earlier pronouncement in ***R.P. Kapur v. State of Punjab***, reported in **1960 SCC OnLine SC 21**, and consistently reiterated in ***Madhu Limaye v. State of Maharashtra***, reported in **(1977) 4 SCC 551**, which emphasize that the inherent power of this Court is to be invoked only to prevent abuse of the process of Court or to secure the ends of justice, and not in an instance where specific statutory remedies are available or in contravention of express legal bars. The Supreme Court has, in more recent decisions such as ***Neeharika Infrastructure (P) Ltd. v. State of Maharashtra***, reported in **(2021) 19 SCC 401** and ***CBI v. Aryan Singh***, reported in **2023 SCC OnLine SC 379**, reaffirmed that such jurisdiction does not permit a "mini-trial", and that the Court must confine itself to examining whether the allegations, taken at face value, disclose a prima facie offence. Thus, while the power to quash is wide, its exercise remains applicable to exceptional cases where non-interference would result in miscarriage of justice or perpetuate abuse of the judicial process

18. In the case at hand, the Petitioner has clearly staked his claim to the relief prayed herein on the primary contention that his right to speedy trial guaranteed under Article 21 of the Constitution of India has been violated



owing to the inordinate delay in concluding the criminal proceeding against him. There is no denying that a lackadaisical investigation over a prolonged period causing unreasonable and substantial delay in conclusion of the proceeding, results in in grave prejudice to the accused. Article 21 of the Constitution of India confers a fundamental right on every person not to be deprived of his life or liberty except according to procedure established by law. Such procedure is not some semblance of a procedure but the procedure should be 'reasonable, fair and just' and therefrom flows, without doubt, the right to speedy trial. A procedure which does not ensure a reasonably quick trial cannot be regarded as 'reasonable, fair or just' and it would fall foul of Article 21 (see *Maneka Gandhi Vs. Union of India & Anr* reported in (1978) 1 SCC 248 and *Hussainara Khatoon & Ors. Vs. Home Secretary, State of Bihar*, reported in (1980) 1 SCC 81).

19. The aforesaid position was again considered by the Hon'ble Apex Court in *Abdul Rehman Antulay v. R.S. Nayak*, reported in (1992) 1 SCC 225 (which was later reaffirmed by the Constitution Bench in *P. Ramachandra Rao v. State of Karnataka*, reported in (2002) 4 SCC 578) wherein eleven propositions (non-exhaustive) were formulated recognising that fair, just and reasonable procedure implicit in Article 21 of our Constitution creates a right in an accused to be tried speedily. The Hon'ble Apex Court observed that where such right is found to have been infringed,



quashing of charges or conviction may be an appropriate relief. However, having regard to the nature of the offence and other attending circumstances, any other appropriate orders may be passed as the interests of justice demand.

20. In a similar vein, in ***Vakil Prasad v. State of Bihar*, (2009) 3 SCC 355**, the Hon'ble Supreme Court emphasized that the right to a speedy trial is a fundamental right and that excessive delay in investigation or trial would compromise the fairness of the trial itself. It was further clarified that speedy trial means reasonably expeditious trial which is an integral and essential part of the fundamental right to life and liberty enshrined in Article 21. In ***Mahendra Lal Das v. State of Bihar and Ors***, reported in **2002 (1) SCC 149** it was held by the Hon'ble Supreme Court that prosecution delay beyond a reasonable period is not only detrimental to the accused but also undermines public confidence in the criminal justice system. The Court stated that inordinate delay causes not only personal hardship to the accused but also societal harm by rendering the process of justice ineffective. It was further observed that;

“7. In cases of corruption the amount involved is not material but speedy justice is the mandate of the Constitution being in the interests of the accused as well as that of the society. Cases relating to corruption are to be dealt with swiftly, promptly and without delay. As and when delay is found to have been caused during the investigation, inquiry or trial, the concerned appropriate



authorities are under an obligation to find out and deal with the persons responsible for such delay. The delay can be attributed either to the connivance of the authorities with the accused or used as a lever to pressurise and harass the accused as is alleged to have been done to the appellant in this case...

9. *Keeping in view the peculiar facts and circumstances of the case, we are inclined to quash the proceedings against the appellant as permitting further prosecution would be the travesty of justice and a mere ritual or formality so far as the prosecution agency is concerned, and unnecessary burden as regards the courts."*

(Emphasis supplied)

21. Likewise, while entertaining an appeal against the decision of the High Court to quash a criminal proceeding, the Hon'ble Apex Court in ***Santosh De Vs. Archana Guha & Ors.***, reported in **(1994) 1 SCC 421** accepted the findings of the High Court that the delay of eight years was entirely and exclusively on account of the default of the prosecution and declined to interfere with the impugned order of the High Court and observed that unexplained delay of eight years in commencing the trial by itself infringes the right of the accused to speedy trial. In ***Directorate of Revenue v. Mohammed Nisar Holia***, reported in **(2008) 2 SCC 370**, the Hon'ble Supreme Court, in paragraph 18 thereof, has held that one of the mandates of Article 21 of the Constitution of India is that a person should not be disturbed except on sufficient grounds. The Hon'ble Apex Court emphasised the need to balance the law enforcement powers of the State



with the protection of citizens from injustice and harassment, observing that while the State has a duty to ensure that no crime goes unpunished, it also owes a duty to ensure that none of its subjects are unnecessarily harassed (paras 19-20).

22. Likewise, the Hon'ble Apex Court in ***Pankaj Kumar v. State of Maharashtra*** reported in (2008) 16 SCC 117 quashed the criminal proceedings on account of "unwarranted prolonged investigations" that caused inordinate delay. It was held that;

"24. Tested on the touchstone of the broad principles, enumerated above, we are of the opinion that in the instant case, the appellant's constitutional right recognised under Article 21 of the Constitution stands violated. It is common ground that the first information report was recorded on 12-5- 1987 for the offences allegedly committed in the year 1981, and after unwarranted prolonged investigations, involving aforesaid three financial irregularities; the charge-sheet was submitted in court on 22-2-1991. Nothing happened till April 1999, when the appellant and his deceased mother filed criminal writ petition seeking quashing of proceedings before the trial court.

25. Though, it is true that the plea with regard to inordinate delay in investigations and trial has been raised before us for the first time but we feel that at this distant point of time, it would be unfair to the appellant to remit the matter back to the High Court for examining the said plea of the appellant. Apart from the fact that it would further protract the already delayed trial, no fruitful purpose would be served as learned counsel for the State very fairly stated before us that he had no explanation to offer for the delay in investigations and the reason why the trial did not commence for eight long years. Nothing, whatsoever, could be pointed out, far



from being established, to show that the delay was in any way attributable to the appellant.

27. Be that as it may, the prosecution has failed to show any exceptional circumstance, which could possibly be taken into consideration for condoning the prolongation of investigation and the trial. The lackadaisical manner of investigation spread over a period of four years in a case of this type and inordinate delay of over eight years (excluding the period when the record of the trial court was in the High Court), is manifestly clear.

28. Thus, on facts in hand, we are convinced that the appellant has been denied his valuable constitutional right to a speedy investigation and trial and, therefore, criminal proceedings initiated against him in the year 1987 and pending in the Court of the Special Judge, Latur, deserve to be quashed on this short ground alone.”

(Emphasis supplied)

23. Recently, in **Robert Lalchungnunga Chongthu v. State of Bihar**, reported 2025 SCC OnLine SC 2511, the appellant had primarily contented that the prolonged pendency of the proceedings violated his fundamental right to a speedy trial under Article 21 of the Constitution of India. The Hon’ble Court, taking into consideration the pronouncement in **Sovaran Singh Prajapati v. State of U.P.**, reported in 2025 SCC OnLine SC 351, wherein it was held that the process of investigation and trial must be completed with promptitude, and **CBI v. Mir Usman**, reported in 2025 SCC OnLine SC 2066 along with its other earlier decisions, surveyed the



constitutional jurisprudence on speedy trial and held that inordinate and unexplained delay in conclusion of criminal proceedings, particularly where it is attributable to the State, renders the prosecution oppressive and violative of Article 21, and may warrant quashing of the proceedings notwithstanding the seriousness of the allegations. The Court further emphasised that constitutional courts are duty-bound to intervene where the criminal process itself becomes punitive by the passage of time. Relevant portion thereof is quoted hereinbelow:

“19. ...When only the actions of the appellant were subject matter of investigation by the time permission was taken as above - 11 years is quite obviously a timeline afflicted by delay. No reason is forthcoming for this extended period either in the chargesheet or at the instance of the Court having taken cognizance of such chargesheet. In other words, the appellant has had the cloud of a criminal investigation hanging over him for all these years. The judgments above referred to supra hold unequivocally that investigation is covered under the right to speedy trial and it is also held therein, that violation of this right can strike at the root of the investigation itself, leading it to be quashed. At the same time, it must be said that timelines cannot be set in stone for an investigation to be completed nor can outer limit be prescribed within which necessarily, an investigation must be drawn to a close. ...Where though, Article 21 would be impacted would be a situation where, like in the present matter, no reason justifiable in nature, can be understood from record for the investigation having taken a large amount of time. The accused cannot be made to suffer endlessly with this threat of continuing investigation and eventual trial proceedings bearing over their everyday existence.”



21...(ii) Reasons are indispensable to the proper functioning of the machinery of criminal law. They form the bedrock of fairness, transparency, and accountability in the justice system. If the Court finds or the accused alleges (obviously with proof and reason to substantiate the allegation) that there is a large gap between the first information report and the culminating chargesheet, it is bound to seek an explanation from the investigating agency and satisfy itself to the propriety of the explanation so furnished.

The direction above does not come based on this case alone. This Court has noticed on many unfortunate occasions that there is massive delay in filing chargesheet/taking cognizance etc. This Court has time and again, in its pronouncements underscored the necessity of speedy investigation and trial as being important for the accused, victim and the society. However, for a variety of reasons there is still a lag in the translation of this recognition into a reality.”

(Emphasis supplied)

24. Reverting to the case at hand, the learned counsel for the State-Vigilance Department has submitted that on 20.01.2025, i.e. after the present CRLMC petition was filed, the charges were framed in the present case and the trial has now commenced. The report of the learned Special Judge (Vigilance), Cuttack, at Flag-B, substantiates the contention of the learned counsel for the Vigilance Department. Therefore, it is an incontrovertible fact that the trial in the present case has commenced after an inordinate delay of more than thirty years since the FIR was first registered.



25. Now, the Vigilance department has stated that such delay is attributable to the accused persons, including the Petitioner, since after filing of the chargesheet and the transfer of the records to the learned Special Judge (Vigilance), Cuttack, the accused persons failed to appear before the trial Court on the dates fixed. When the accused person did finally appear, they were served the police papers, after which they have sought successive adjournments. It is the Vigilance counsel's stance that the onus was on the Petitioner to either seek a direction for splitting up of the trial so that the trial in his regard might have continued irrespective of the absentee accused persons, or to move the High Court for a direction to conclude the trial. Since the Petitioner has not sought for such remedies earlier, the learned counsel for the Vigilance department claims that the Petitioner cannot now rely on the ground of delay. The learned Vigilance counsel has also relied on the objectives of the PC Act to contend that that present criminal proceeding be allowed to reach its natural conclusion despite the delay of more than three decades in commencement thereof.

26. This Court, after a careful contention of the aforesaid submissions against the undisputed facts of the case, is unable to accept the same. The contention of the learned Counsel for the Vigilance Department that the onus was on the Petitioner to pursue to the trial seems to be misplaced. The learned counsel has mistakenly presupposed that it is the accused who bears



the duty to pursue the criminal proceedings brought against him. Instead, in a criminal trial, it is the judicial and prosecutorial machinery of the State that shoulders the onus of ensuring that the trial is concluded in a timely manner by utilizing its vested powers to procure the attendance of absentee accused persons, or splitting up the trial. Similarly, it is unquestionable that the PC Act is special legislation aimed at curbing the menace of corruption in our society. However, it is precisely because of such objective of the statute that the law places an even heavier obligation upon the prosecution to ensure that cases involving provisions of the PC Act are conducted with diligence and concluded expeditiously. Any failure to do so, i.e. an inordinate delay of more than three decades, subverts the very purpose which the legislation seeks to achieve and affects not only the established right to speedy trial of the accused but also tarnishes the sanctity of the criminal process while eroding public faith in the administration of justice.

27. The Petitioner, to corroborate his case, has also relied on the judgement dated 27.02.2024 in CRLREV No. 795 of 2014 involving one of the co-accused persons. The Petitioner claims to be on an identical footing to the Petitioner in CRLREV No. 795 of 2014. On a perusal of the aforesaid judgement dated 27.02.2024, it is revealed that the learned revisional Court quashed the impugned order and discharged the Petitioner therein (Nanda Kishore Pal) of the alleged offences on the combined weight of two main



grounds; the administrative failure to obtain or refuse sanction within any reasonable time, and the non-framing of charge for 31 years resulting in the infringement of the Petitioner's constitutional right to a speedy trial under Article 21. So far as the present Petitioner is concerned, there are no qualms regarding the sanction for prosecution accorded in his favour. While it is true that the Petitioner in the aforesaid revision application was one of the co-accused in the present case involving the present Petitioner, it cannot be said that the present Petitioner stands in a entirely similar footing with Nanda Kishore Pal. Having said that, it must also be mentioned that the ground of delay which the present Petitioner relies on, was also considered at length by the revisional Court while passing the aforesaid judgement dated 27.02.2024, and forms the second primary ground on which the aforesaid judgement was rendered. As such, this Court is of the considered view that so far as exclusively the ground of inordinate delay is considered, the present Petitioner and the Petitioner in the aforesaid revision stand in a similar footing.

28. Additionally, as per the report of the learned Special Judge (Vigilance), Cuttack, out of the fifty six (56) charge-sheeted accused persons, twenty four (24) accused persons have perished during the pendency of the trial and the cases against them have stood abated. The Petitioner has also claimed that several relevant witnesses have also



perished in the meanwhile. The Prosecution has not specifically countered the aforesaid contention of the Petitioner. Moreover, the present Petitioner was involved in the execution of the scheme regarding SPTWs in an assistive capacity as a JE and worked under the directions of the BDO. The BDO, who was charged with the overall execution of the scheme and failed to conduct the spot-verification of the work executed, has inexplicably not been charge-sheeted in the present case. The evidentiary landscape in which the trial would now proceed is, due to the aforesaid anomalies, wholly different from that which existed when the FIR was registered, when the charge sheet was filed, or even when cognizance was taken. Any trial which proceeds on such anomalies, inordinate delays and crumbled evidentiary foundations, cannot be described as fair trial. A criminal trial that cannot be fair is a proceeding that this Court, in the exercise of its inherent powers, is duty-bound to bring to an end.

29. In view of all foregoing analysis, the magnitude of inordinate delay in initiation and conclusion of trial affecting the constitutional right of the Petitioner to a speedy trial guaranteed under Article 21 and the improbability of a fair trial, given the death of several accused persons, witnesses and sheer delay in initiation of the proceeding, this Court is of the considered view that the continuation of the impugned criminal proceeding against the Petitioner would constitute a manifest abuse of the process of the



Court and would not be in the larger interests of justice. As such, the impugned criminal proceeding bearing T.R. Case No. 213 of 2007 corresponding to VGR No. 05 of 1993 arising out of Cuttack Vigilance P.S. Case No. 05 of 1993, pending before the learned Special Judge (Vigilance), Cuttack, is hereby quashed insofar as it relates to the present Petitioner.

30. The CRLMC application is allowed. There shall be no order as to costs.

(Aditya Kumar Mohapatra)

Judge

Orissa High Court, Cuttack

The 22nd May, 2026/ S.K. Rout, Jr. Stenographer