



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.4198 of 2025

Mithu Mandal

.....

Petitioner

Represented By Adv. -
Manoranjan Khatua

-versus-

State Of Odisha(vig.)

.....

Opposite Party

Represented By Adv. –
Mr. N.Maharana,
Standing Counsel for
Vigilance Department

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

ORDER
17.11.2025

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical Mode).
 2. Heard learned counsel for the Petitioner as well as the learned Standing Counsel for the Vigilance Department.
 3. Learned counsel for the Petitioner at the outset contended that since the principal accused has died during the trial, the criminal proceeding against the principal accused has abated vide order dated 14.08.2025 of the learned trial court. He further submitted that the present Petitioner, being the wife of the principal accused, is facing trial as an abettor under Section 109 of the I.P.C. It was contended that the present Petitioner-wife is not liable to be prosecuted in the present case as the case against the



principal accused has abated.

4. Learned Standing Counsel for the Vigilance Department on the other hand disputed the aforesaid fact. He further contended that the criminal proceeding against the present Petitioner can very well continued. In order substantiate his contention he has relied upon by the decision of the Hon'ble Supreme Court in ***Sidharth Behera vs. CBI 2010 Volume 4 CCR 214*** as well as a judgment of Division Bench of this Court in ***CRLMP No.1391 of 2018*** and in the case of ***Nalinikant Muduli vs. State of Orissa(Vig.)*** in ***CRLMC No.1959 of 2022***, vide judgment dated 05.04.2023.

5. On the request of learned counsel for the Petitioner, he is granted ten days' time to go through the aforesaid judgments.

6. List this matter in the week commencing 8th December, 2025.

(***Aditya Kumar Mohapatra***)
Judge

Rubi