



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLREV No. 835 of 2025**

***Pawan Kumar Agrawala***

.....

***Petitioner***

Ms. Agnisikha Ray, Advocate

-versus-

***State of Odisha (Vigilance)***

.....

***Opposite Party***

Mr. Sangram Das, Standing  
Counsel (Vigilance)

**CORAM:**

**HON'BLE MISS JUSTICE SAVITRI RATHO**

**ORDER**

**23.02.2026**

**Order No.**

07.

(Through hybrid Mode)

1. The Petitioner has challenged the order dated 26.07.2025 passed by the learned Special Judge, Vigilance, Sambalpur where the application of the Petitioner for discharge from the offences under Section 12 of the P.C. Act, 1988 and Sections 181 and 182 of the I.P.C, has been rejected.

2. Heard Ms. Agnisikha Ray, learned counsel for the Petitioner and Mr. S. Das, learned Standing Counsel, Vigilance.

3. Ms. Agnisikha Ray, learned counsel for the Petitioner submits that the Petitioner should be discharged from the above offences on the following grounds:-

(i) Section 12 of the Prevention of Corruption Act, 1988 deals with



punishment for abetment of offences. In the present case, the ingredients necessary to attract Section 12 are wholly absent. Relying on paragraph 87 of the judgment of this Court in ***Kamal Kumar Nanda vs. State of Orissa (vigilance)*** reported in **(2017) 67 OCR 81**, she submits that in similar circumstances the accused therein was discharged as the accused in charged of committing offence under Section 13(2), 13(1)(d) and Section 7 of the Act had been acquitted.

(ii) Section 195 (1)(a)(i) of the Code of Criminal Procedure, 1973 (Cr.P.C.) mandates that cognizance of certain offences, which includes the offences under Section 181 and 182 of the IPC can be taken only upon a complaint in writing of the public servant concerned or of some public servant to whom he is administratively subordinate, which is not the case here.

(iii) In view of the procedure of Section 132 of the Evidence Act, the evidence of the statement of the Petitioner cannot subject him to prosecution on the allegation of giving false evidence.

4. Mr. S. Das submits by relying the decision of ***Asian Resurfacing of Road Agency Pvt. Ltd vs. CBI*** reported in **2018 (16) SCC 299** submits that the revision is not maintainable as



appreciation of evidence is not permissible in a revision and a revision should be entertained only in only rarest of rare case only to correct a patent error of jurisdiction and not to reappreciate the evidence. (Para- 37).

(ii) The contentions of the Petitioner are in the nature of a defence plea which should not be considered by holding a mini trial at the time of framing of charge by the trial Court nor by this Court and the plea of the accused can be dealt with by the learned trial Court during the trial.

(iii) The impugned order is neither perverse nor erroneous so as to warrant interference by this Court in exercise of revisional powers.

(iv) Relying on the decisions of the Supreme Court in the case of *Narinder Singh vs. State of Himachal Pradesh ; (2014) 13 SCC 30*, he submits that when any non-public servant attempts to bribe a public servant, he comes within the ambit of Section 7, for which Section 12 comes into play.

(v) Apart from other submissions he also submits that the Prevention of Corruption Act has undergone number of amendments in the year 2018, which may be relevant for deciding this CRLREV.

5. He files a copy of the (i) Judgment in **CTR Case No. 44 of**



**2003** delivered on 08.09.2011 by the learned Special Judge (Vigilance), Sambalpur, in which the Petitioner was P.W.4 and (ii) the deposition of P.W.4-present Petitioner in **CTR Case No. 44 of 2003**. The same are taken on record.

6. **Hearing is concluded.**

7. **Judgment is reserved.**

8. It is open to the learned counsel for the Petitioner to file written note of submission by 26.02.2026.

9. Since the judgment in the case is reserved, the Petitioner is permitted to file an application before the Court below for adjournment of the case for a period of three weeks.

**(Savitri Ratho)**  
**Judge**

*subhalaxmi/puspa*

**Signature Not Verified**

Digitally Signed  
Signed by: PUSPANJALI MOHAPATRA  
Designation: PERSONAL ASSISTANT  
Reason: Authentication  
Location: Orissa High Court  
Date: 02-Mar-2026 15:39:45

