



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.4799 of 2023

Ajay Kumar Tiwari

.....

Petitioner

Mr. Abhishek Dash, Advocate

Vs.

1. State of Odisha

.....

Opp. Parties

2. Director, Vigilance Directorate

Mr. Niranjana Moharana, ASC

***3. Superintendent of Police
Vigilance***

(Vigilance)

***4. Deputy Superintendent of
Police, Vigilance***

***5. Additional Superintendent of
Police, Vigilance***

CORAM:

THE HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

30.04.2025

(Through hybrid mode)

Order No.

09.

1. This CRLMC has been filed for quashing the order dated 15.12.2022 passed by the learned Special Judge, Vigilance, Sambalpur taking cognizance of the offences punishable under Sections 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 and Sections 109, 418, 420 and 120-B of the I.P.C. as well as the entire criminal proceeding in Sambalpur Vigilance G.R. Case No.36 of 2015.

2. Registry has pointed out in the F.I.R. details match that the petitioner has earlier approached this Court in CRLMC No.276 of 2017 which has been disposed of on 09.12.2022.

3. Perusal of order dated 09.12.2022 reveals that after the learned Senior Standing Counsel (Vigilance) had informed the Court that charge-sheet has been filed in the case, the CRLMC had been disposed of noting the submission of the learned counsel for the petitioner that



“all the pleas raised in the petition will be urged at the appropriate stage in the trial Court”.

4. Mr. Abhishek Dash, learned counsel for the petitioner submits that as he was unaware about filing and disposal of the CRLMC No.276 of 2017 it could not be mentioned in the certificate of the present CRLMC application. He further submits that he may be permitted to withdraw this CRLMC in order to raise his pleas at the time of framing of charge.

5. A memo is filed in Court by Mr. Dash to withdraw this CRLMC. It is taken on record and shall be incorporated in the digital record.

6. In view of the order dated 09.12.2022 passed in CRLMC in 276 of 2017 and the submission of the learned counsel for the petitioner, the CRLMC is disposed of granting liberty to the petitioner to raise all his pleas at the time of framing of charge if charge has not yet been framed in the case.

7. Registry is directed to communicate a copy of this order to the learned Special Judge, Vigilance, Sambalpur.

(Savitri Ratho)
Judge

RKS

Signature Not Verified

Digitally Signed
Signed by: RANJAN KUMAR SETHI
Designation: Asst. Registrar-Cum-Senior Secretary
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 02-May-2025 10:26:03

