



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.5193 of 2025

Birbal Kaushik

.....

Petitioner

Represented By Adv. -
Byomokesh Sahoo

-versus-

State Of Odisha(vig.)

.....

Opp. Party

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

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

ORDER
10.12.2025

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Standing Counsel for the Vigilance Department. Perused the application as well as the prayer made therein.
3. The accused-petitioner has come up against the order dated 16.10.2025 passed by the learned Special Judge (Vigilance), Sambalpur in CTR Case No.6 of 2017 thereby rejecting his application to transfer the entire case to the court of learned C.J.M., Sambalpur.
4. Learned counsel for the Petitioner at the outset referred to the judgment of the Hon'ble Supreme Court in the case of ***State through CBI New Delhi v. Jitender Kumar Singh*** in ***Criminal***



Appeal No.943 of 2008 decided on 05.02.2014.

5. In reply to the aforesaid contention, learned Standing Counsel for the Vigilance Department referred to the judgment of a coordinate bench of this Court in ***CRLMC No.1959 of 2022 in Nalinikanta Muduli & Ors. Vs. State of Odisha (Vigilance Department)*** decided on 05.04.2023, wherein the learned Coordinate Bench in para-11 has categorically held that the Special Court has the jurisdiction to try the offence even if the principal accused i.e. the public servant has died and the case has abated before framing of the charge. At this juncture, learned counsel for the Vigilance Department sought for some time to examine the issue further.

6. Considering such submission, list this matter in the week commencing 19.01.2026.

I.A. No.3665 of 2025

7. Heard.

8. As an interim measure, it is directed that on an application being filed by the Petitioner before the court in seisin over the matter seeking adjournment of the case, the court in seisin over the matter shall adjourn the case for a period of six weeks.

(A.K. Mohapatra)
Judge

Anil