

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.695 of 2023

Nanda Kishore Sahoo and another

Petitioners

Mr. P. K. Ray, Advocate
Mr. K. C. Dash, Advocate

-versus-

State of Odisha (Vig.)

Opposite Party

Mr. Sangram Das, Standing
Counsel (Vig.)

CORAM:

JUSTICE ARINDAM SINHA

ORDER
23.02.2024

CRLREV No.695 of 2023 and I.A. no.968 of 2023

Order No.

01.

1. Mr. Ray, learned advocate appears on behalf of revision petitioners and submits, impugned is order dated 17th November, 2023 made by the Special Judge (Vigilance). He submits, his client had made out good case for discharge. He relies on section 227 in Code of Criminal Procedure, 1973 to submit, the provision requires the Judge to consider and if the consideration is that there is no sufficient ground for proceeding against the accused, the accused is to be discharged on record of reasons.

2. He draws attention to impugned order, wherein considering the case for discharge the Court said that his client may have a good case to agitate but this is not the stage where same should be analyzed. Therefore, his client has preferred the appeal for reversing the order.

3. Mr. Das, learned advocate, Standing Counsel (Vigilance) appears on behalf of State and prays for adjournment of a week. Mr. Ray presses for interim stay of proceeding on application filed. Mr. Das opposes the prayer.

4. Impugned order appears to be one of consideration and in it the Court did say that appellant may have a good case to agitate. However, discharge was not granted because the Court felt the stage had not been reached where the claim for discharge could be analyzed. On query from Court Mr. Das submits, the stage would be at trial.

5. The provision does not mandate decision of discharge to be made at trial. It only requires consideration of the record of the case, documents submitted and hearing of submissions for order to be made. In this case impugned order clearly indicates appellant as

may have a good case and it also appears therefrom, record of the case, documents and submissions were considered. VGR Case no.1 of 2019 will remain stayed till next date of hearing.

6. List on 7th March, 2024.

(Arindam Sinha)
Judge

Prasant



Signature Not Verified

Digitally Signed
Signed by: PRASANT KUMAR SAHOO
Designation: Personal Assistant
Reason: Authentication
Location: Orissa High Court
Date: 23-Feb-2024 19:42:03

