A.F.R.

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 5578 of 2025

(In the matter of an application under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 482 of Criminal Procedure Code, 1973).

Harekrishna Panda @ Hare Krushna Panda .... ***Petitioner(s)***

-versus-

State of Odisha (VIG) .... ***Opposite Party (s)***

Advocates appeared in the case through Hybrid Mode**:**

For Petitioner(s) : *Mr. P. Anup Dash, Adv.*
Mr. A. Panda, Adv

For Opposite Party (s) : *Mr. Niranjan Moharana, SC for Vigilance Department*

CORAM:
DR. JUSTICE SANJEEB K PANIGRAHI

DATE OF HEARING:-22.06.2026
DATE OF JUDGMENT:-14.07.2026

Dr. Sanjeeb K Panigrahi, J.

1. The Petitioner has invoked the extraordinary inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973, corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of the criminal proceedings arising out of Bhubaneswar Vigilance P.S. Case No. 04 dated 19.01.2019, corresponding to V.G.R. No. 04 of 2019, pending before the Court of the learned Special Judge (Vigilance), Bhubaneswar, for the alleged commission of offences punishable under Sections 7(a) and 13(1)(b) of the Prevention of Corruption (Amendment) Act, 2018.

I. FACTUAL MATRIX OF THE CASE:

2. The brief facts of the case are as follows:

(i) The prosecution case, in brief, is that on 18.01.2019, the Vigilance authorities received credible information alleging that the Petitioner, while serving as a public servant, was demanding and collecting huge illegal gratification at Nirman Soudha, Bhubaneswar. Upon verification of the information and after following the prescribed procedure, a Vigilance team was constituted to intercept the Petitioner.

(ii) On 19.01.2019, at about 2:45 P.M., while the Petitioner was proceeding in a vehicle from Nirman Soudha, Bhubaneswar towards his residence, the Vigilance team intercepted the vehicle in the presence of witnesses. During the interception, a sum of Rs.3,75,000/- kept in an envelope was recovered from the vehicle, while a further sum of Rs.14,175/- was recovered from the personal search of the Petitioner.

(iii) As the Petitioner allegedly failed to satisfactorily explain the source of the aforesaid amount, Bhubaneswar Vigilance P.S. Case No. 04 dated 19.01.2019 was registered against him for the alleged commission of offences punishable under Sections 7(a) and 13(1)(b) of the Prevention of Corruption (Amendment) Act, 2018.

(iv) During the course of investigation, the Petitioner explained that the sum of Rs.3,75,000/- represented advance sale consideration received from one Saroj Kumar Jena pursuant to an agreement for sale dated 20.11.2018 in respect of Duplex No. 3 situated at Raghunathpur, Bhubaneswar for a total consideration of Rs.84,00,000/-. According to the Petitioner, the agreement contemplated payment of an advance of Rs.10,00,000/- in instalments, out of which Rs.1,25,000/-, Rs.3,00,000/- and Rs.2,00,000/- had been paid on 20.11.2018, 05.12.2018 and 28.12.2018 respectively, while the balance amount of Rs.3,75,000/- was paid on 19.01.2019. The Petitioner further stated that the amount of Rs.14,175/- recovered from his personal search constituted cash withdrawn from his salary for meeting routine personal expenses. In support of the said explanation, the Petitioner relied upon the agreement for sale and the money receipts evidencing the aforesaid payments.

(v) It further transpires from the record that, pursuant to the interception, searches were conducted at the residential premises and other places connected with the Petitioner during the course of investigation. The Petitioner also furnished documents and explanations before the Investigating Officer in support of his claim regarding the source of the amounts recovered during the interception.

(vi) Aggrieved by the registration of Bhubaneswar Vigilance P.S. Case No. 04 dated 19.01.2019, corresponding to V.G.R. No. 04 of 2019, and the continuance of the criminal proceedings pending before the Court of the learned Special Judge (Vigilance), Bhubaneswar, the Petitioner has preferred the present petition.

II. SUBMISSIONS ON BEHALF OF THE PETITIONER:

3. The learned counsel for the Petitioner respectfully and earnestly made the following submissions in support of his contentions:

(i) The Petitioner submitted that the impugned criminal proceedings are liable to be quashed on account of the inordinate and unexplained delay in completion of the investigation. It was contended that although the alleged interception, search and registration of the F.I.R. took place on 19.01.2019, more than seven years have elapsed, yet the investigation has not attained finality. According to the Petitioner, such unreasonable delay infringes his fundamental right to a speedy investigation and trial guaranteed under Article 21 of the Constitution of India, rendering the continuance of the criminal proceedings an abuse of the process of law. In support of the aforesaid contention, reliance was placed upon the decisions of the Supreme Court in ***Pankaj Kumar v. State of Maharashtra***[1]; ***Vakil Prasad Singh v. State of Bihar***[2]; ***Sirajul v. State of Uttar Pradesh***[3]***; Mahendra Lal Das v. State of Bihar***[4]***; Santosh De v. Archna Guha***[5]; ***Directorate of Revenue v. Mohammed Nisar Holia***[6]; ***Kartar Singh v. State of***

[1] (2008) 16 SCC 117.
[2] (2009) 3 SCC 355.
[3] (2015) 9 SCC 201.
[4] (2002) 1 SCC 149.
[5] (1994) 2 SCC 420.
[6] (2008) 2 SCC 370.

Punjab[7]; ***Hasmukhlal D. Vora v. State of Tamil Nadu***[8]; and ***Robert Lalchungnunga Chongthu v. State of Bihar***[9] to contend that the right to a speedy trial encompasses every stage of a criminal prosecution, including investigation, and that unexplained and inordinate delay, where not attributable to the accused, violates Article 21 of the Constitution and may, in an appropriate case, warrant quashing of the criminal proceedings.

(ii) The Petitioner further submitted that the materials collected during the course of investigation, including the documents furnished by the Petitioner, clearly demonstrate that no offence under Section 13(1)(b) of the Prevention of Corruption (Amendment) Act, 2018 is made out. It was contended that the sum of Rs.3,75,000/- recovered during the interception represented advance sale consideration received from one Saroj Kumar Jena pursuant to an agreement for sale dated 20.11.2018, while the amount of Rs.14,175/- recovered from the Petitioner's personal search constituted cash withdrawn from his salary for meeting routine personal expenses. According to the Petitioner, the aforesaid explanation was duly supported by the agreement for sale and the money receipts furnished before the Investigating Officer. It was further submitted that the property in question had been proposed to be sold after due intimation to, and with the permission of, the competent authority in

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[7] (1994) 3 SCC 569.
[8] AIR 2023 SC 102.
[9] 2025 SCC OnLine SC 2511.

accordance with the applicable service rules, and had also been duly disclosed in the Petitioner's property statements submitted to the Department, thereby lending further support to the Petitioner's explanation regarding the lawful source of the intercepted amount.

(iii) It was further submitted that, in view of the aforesaid explanation and the supporting documents, the amount of Rs.3,89,175/- recovered during the interception could not be treated as disproportionate assets so as to attract the ingredients of Section 13(1)(b) of the Prevention of Corruption (Amendment) Act, 2018. It was contended that the Petitioner's lawful sources of income adequately explained the amount recovered. It was further contended that, although searches were conducted at the Petitioner's residential premises and other places immediately after the interception with a view to ascertain the existence of disproportionate assets, no other disproportionate assets were found and the F.I.R. came to be registered solely on the basis of the intercepted amount. It was also submitted that the valuation of the Petitioner's immovable assets and expenditure had been arbitrarily exaggerated, whereas his income and other lawful sources of receipts had either been ignored or undervalued during the investigation, resulting in a distorted assessment of his assets. According to the Petitioner, no prima facie case under Section 13(1)(b) of the

Prevention of Corruption (Amendment) Act, 2018 is therefore made out.

(iv) The Petitioner further submitted that the essential ingredients of the offence punishable under Section 7(a) of the Prevention of Corruption (Amendment) Act, 2018 are wholly absent in the present case. It was contended that there is no written complaint or allegation by any person alleging that the Petitioner had demanded or accepted any illegal gratification in connection with the discharge of any official work. In the absence of any such allegation, the Petitioner submitted that no prima facie offence under Section 7(a) of the Prevention of Corruption (Amendment) Act, 2018 is made out against him.

(v) It was further contended that the Petitioner had, immediately after the search, furnished a detailed explanation along with supporting documents before the Investigating Officer explaining the source of the amounts recovered. Despite furnishing the agreement for sale, the money receipts, the affidavit of the proposed purchaser affirming the transaction, and the permission granted by the competent authority, the Investigating Officer neither examined the said purchaser nor duly considered the aforesaid documents during the course of investigation. According to the Petitioner, the investigation has proceeded in an arbitrary and unfair manner despite his full cooperation.

(vi) It was further submitted that the impugned F.I.R. pertains only to the recovery of the intercepted amount of Rs.3,89,175/- and does not disclose any particulars regarding any other alleged disproportionate assets. It was contended that neither the F.I.R. nor the subsequent investigation identifies any detailed statement or computation of the Petitioner's alleged assets, income and expenditure so as to enable him to furnish an explanation. According to the Petitioner, in the absence of any such material, the prosecution cannot be permitted to continue the investigation on the mere assumption that disproportionate assets may subsequently be discovered.

(vii) The Petitioner further submitted that throughout the course of the investigation, he had extended full cooperation to the investigating agency by furnishing explanations and supporting documentary materials relating to the source of the intercepted amount. It was contended that no material has been placed on record to attribute the prolonged delay in completion of the investigation to any act or omission on the part of the Petitioner. Rather, the delay is solely attributable to the investigating agency. It was further submitted that the prolonged pendency of the criminal proceedings has caused serious prejudice to the Petitioner, adversely affecting his service career, retiral benefits and reputation, particularly when he is on the verge of superannuation.

(viii) It was submitted that, apart from the unexplained delay in investigation, the present case also falls within the principles governing the exercise of the inherent jurisdiction of the High Court as laid down by the Supreme Court in ***State of Haryana v. Bhajan Lal***[10]. It was contended that, in the absence of the essential ingredients constituting the alleged offences and in view of the materials placed by the Petitioner, the continuation of the investigation and the consequential criminal proceedings arising out of Bhubaneswar Vigilance P.S. Case No. 04 of 2019 would amount to an abuse of the process of the Court. Accordingly, it was urged that this Court, in exercise of its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, 1973, corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, may quash the investigation and the consequential criminal proceedings in order to secure the ends of justice.

III. SUBMISSIONS ON BEHALF OF THE OPPOSITE PARTY :

4. *Per contra*, the learned counsel for the Opposite Party earnestly made the submission that the present CRLMC is not maintainable before this Court and deserves to be rejected in limine.

(i) It was submitted that, upon interception, recovery of Rs.3,75,000/- consisting of 44 nos. of Two Thousand G.C. Notes and 574 nos. of Five Hundred G.C. Notes kept in an envelope, and further recovery of cash of Rs.14,175/- kept in his money

[10] (1992) Supp (1) SCC 335.

purse from the conscious possession of the Petitioner, who failed to furnish any satisfactory explanation with regard to the same. It was submitted that, thereafter, searches were conducted at different places connected with the Petitioner to ascertain the possession of Disproportionate Assets, and on the basis of the documents seized during such search, prima facie evidence regarding acquisition of huge properties/'DA' in the name of the Petitioner and his family members was unearthed. Accordingly, the FIR was registered for commission of offences under Section 7(a) read with Section 13(1)(b) of the Prevention of Corruption (Amendment) Act, 2018, and the same is under investigation.

(ii) It was further submitted that the Petitioner had not disclosed any such plea or source of Rs.3,75,000/- at the time of interception. Therefore, the explanation subsequently furnished by the Petitioner is an afterthought and is not believable.

(iii) It was submitted that, apart from the intercepted amount mentioned in the instant FIR, the investigation is also being conducted to ascertain the possession of huge Disproportionate Assets by the Petitioner beyond his 'known sources of income'. It was further submitted that the investigation consumed more time in collection of documents, materials and evidence from different quarters, as well as in examination of witnesses.

(iv) It was submitted that proceedings of such nature ought not to be quashed merely on the ground of delay of 7 years and 5 months in completion of investigation, particularly when there are incriminating materials relating to possession of huge Disproportionate Assets by the Petitioner. It was further submitted that the investigation is still continuing and, therefore, the prayer made by the Petitioner is not sustainable.

(v) Reliance was placed upon the judgment of the Supreme Court in ***Neeharika Infrastructure (P) Ltd. v. State of Maharashtra***[11], wherein it was held that when an offence is prima facie made out from the FIR, the High Court, while exercising jurisdiction under Section 482 of the Cr.P.C. or Article 226 of the Constitution of India, should not interfere with the investigation or quash the criminal proceedings at the nascent stage.

(vi) It was further submitted that the Supreme Court, in ***Niranjan Hemchandra Sashittal and Another v. State of Maharashtra***[12], has held that the concept of speedy trial is relative in nature and no fixed time schedule can be prescribed for conclusion of criminal proceedings. It was observed that the nature of offence, number of accused, number of witnesses, workload of the Court and other attending circumstances are required to be taken into consideration. It was further observed that offences

[11] (2021) 19 SCC 401.
[12] (2013) 4 SCC 642.

relating to conspiracy, misappropriation, fraud, forgery, acquisition of disproportionate assets by public servants and corruption cases against high public officials, by their very nature, may require longer time for investigation and trial.

(vii) It was, therefore, submitted that, in view of the aforesaid submissions and authoritative pronouncements, the prayer made in the CRLMC for quashing of the criminal proceedings against the Petitioner may kindly be dismissed in the interest of justice.

IV. COURT'S REASONING AND ANALYSIS:

5. Heard learned counsel for the parties and perused the documents placed before this Court.

6. The present petition has been filed invoking the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973, corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It is well settled that the inherent jurisdiction of this Court is to be exercised sparingly and with circumspection. However, such jurisdiction can be exercised where the allegations made in the F.I.R. and the materials collected during investigation do not disclose the commission of any offence or where the continuation of the criminal proceedings would amount to an abuse of the process of the Court.

7. The principles governing exercise of inherent jurisdiction under Section 482 Cr.P.C. have been authoritatively laid down by the

Supreme Court in ***State of Haryana v. Bhajan Lal***[13], wherein it was observed:

> *"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.*
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> *(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*
>
> *(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.*
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> *(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*
>
> *(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.*

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[13] 1992 Supp (1) SCC 335.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

8. In the present case, the prosecution was set into motion on the basis of the alleged interception of the Petitioner on 19.01.2019 and recovery of an amount of Rs.3,75,000/- kept in an envelope from the vehicle, along with Rs.14,175/- recovered from his personal search. The allegation of the prosecution is that the Petitioner, being a public servant, had failed to satisfactorily explain the source of the aforesaid amount, and that subsequent investigation revealed prima facie material regarding acquisition of disproportionate assets by the Petitioner and his family members.

9. It is the specific contention of the Petitioner that the amount recovered during interception cannot be treated as unexplained assets as the Petitioner has furnished an explanation supported by the agreement for sale dated 20.11.2018, money receipts evidencing payment of advance sale consideration, affidavit of the proposed purchaser and permission granted by the competent authority. It has further been contended that the said property transaction had been disclosed in the property statements submitted by the Petitioner to his Department.

10. At this stage, while exercising jurisdiction under Section 482 of the Cr.P.C., this Court is not required to undertake a detailed examination of the correctness of the defence taken by the Petitioner or appreciate the evidentiary value of the documents relied upon by him. The limited question that arises for consideration is whether the allegations in the F.I.R. and the materials collected during investigation, taken at their face value, disclose a prima facie case.

11. Insofar as the offence under Section 7(a) of the Prevention of Corruption (Amendment) Act, 2018 is concerned, the allegation in the F.I.R. is that the Petitioner was demanding and collecting illegal gratification. The Petitioner has disputed the said allegation and contended that there is no complaint by any person alleging demand or acceptance of illegal gratification. However, at this stage, the existence of such material has to be assessed on the basis of the materials collected during investigation. This Court, while exercising jurisdiction under Section 482 of the Cr.P.C., is not required to undertake a detailed appreciation of the evidence or determine the probative value of such material.

12. With regard to the offence under Section 13(1)(b) of the Prevention of Corruption (Amendment) Act, 2018, the allegation of the prosecution relates to the intercepted amount of Rs.3,89,175/- as well as the alleged acquisition of disproportionate assets by the Petitioner and his family members, which is stated to have come to light during the course of investigation following the searches. The Opposite Parties have contended that the investigation is still underway for ascertaining the assets, income and expenditure of the Petitioner and his family members. The explanation furnished by the Petitioner regarding the source of the intercepted amount and the documents relied upon in support thereof are matters which require examination during the course of investigation and trial. At this stage, the said explanation cannot be a ground for this Court to interdict the investigation, in view of the assertion of the prosecution that further materials regarding disproportionate assets have emerged during the course of investigation.

13. This Court is also required to examine the contention advanced by the Petitioner regarding the delay in completion of investigation. There is no dispute that the F.I.R. was registered on 19.01.2019 and the investigation has remained pending for more than seven years. It is trite that the right to speedy investigation and trial is an integral part of Article 21 of the Constitution of India. However, whether the delay in a particular case amounts to violation of such right depends upon the facts and circumstances of each case, including the nature of the offence and the reasons attributable for such delay.

14. In the present case, the allegations relate to offences under the Prevention of Corruption (Amendment) Act, 2018, involving alleged acquisition of disproportionate assets by a public servant. The Opposite Parties have asserted that the delay occurred on account of collection of documents and materials, as well as examination of witnesses from different quarters. Considering the nature of allegations and the fact that the investigation is stated to be continuing for ascertaining the alleged disproportionate assets, this Court is not inclined to hold, at this stage, that the delay in completion of investigation warrants interference with the criminal proceedings.

15. Further, the contention of the Petitioner that the Investigating Officer has failed to consider the documents furnished by him, including the agreement for sale, money receipts, affidavit of the proposed purchaser and permission granted by the competent authority, also cannot be examined in detail in the present proceeding. The relevance, admissibility and evidentiary value of such documents are matters which require consideration during the course of investigation and trial.

16. Therefore, having regard to the allegations contained in the F.I.R. and the nature of offences alleged against the Petitioner, this Court is of the considered view that the present case does not warrant exercise of the inherent jurisdiction for quashing of the criminal proceedings.

V. CONCLUSION:

17. Accordingly, this Court finds no ground to interfere with the investigation and consequential criminal proceedings arising out of Bhubaneswar Vigilance P.S. Case No. 04 dated 19.01.2019, corresponding to V.G.R. No. 04 of 2019, pending before the Court of the learned Special Judge (Vigilance), Bhubaneswar.

18. The CRLMC being devoid of merit stands **dismissed**.

19. It is, however, clarified that the observations made herein are only for the purpose of adjudication of the present petition under Section 482 of the Cr.P.C. and shall not prejudice either party during the course of further investigation or trial.

20. Interim order, if any, passed earlier stands vacated.

(Dr. Sanjeeb K Panigrahi)
Judge

Orissa High Court, Cuttack,
Dated, the 14th July, 2026/