

CRLMC NO. 47 of 2011

31.07.2017 Heard learned counsel for the petitioner and Mr.S.Pani, learned Senior Standing Counsel for the Vigilance Department.

This petition under Section 482 Cr.P.C. has been filed by the petitioner to quash the proceeding in Berhampur Vigilance P.S. Case No. 56 of 2010 corresponding to G.R. Case No. 58 of 2010 pending before the learned C.J.M., Berhampur for alleged offence under Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act read with section 120-B of the I.P.C.

After going through the materials available on record it reveals that though the petitioner alleged malafide action of Superintendent of Police, Vigilance, Berhampur, due to dereliction of duty of the petitioner the aforesaid case was registered against him. Since those are disputed questions of facts which are to be considered during trial. At the time of filing of the present application petitioner was aged about 56 years. In the meantime petitioner already retired from service.

Considering the above this Court is not inclined to interfere with the matter at this stage. However it is open to the petitioner to raise all the points during trial. The trial court shall conclude the trial as early as possible since the petitioner was already retired in the meantime.

Accordingly the Criminal Misc. Case is disposed of.

S. Panda, J