
(2021) 07 OHC CK 0192
In the Orissa High Court
Case No : Criminal Appeal No. 323 Of 2021

Kumuda Chandra Ojha

APPELLANT

Vs

State Of Odisha(Vig.)

RESPONDENT

Date of Decision : 22-07-2021

Acts Referred:

Prevention of Corruption Act, 1988 — Section 7, 13(1)(d)(i), 13(2)

Citation : (2021) 07 OHC CK 0192

Hon'ble Judges : S. K. Sahoo, J

Bench : Single Bench

Advocate : Anirudha Das, S.K.Das

Final Decision : Disposed Of

Judgement

S.K. Sahoo, J

CRLA NO. 323 OF 2021

The matter is taken up through video conferencing. Mr. Anirudha Das, learned counsel for the appellant undertakes to remove the defects as pointed

out by the Stamp Reporter within a week.

Mr. S.K. Das, learned Standing Counsel for the Vigilance Department submits that he has filed his appearance memo on 19.7.2021.

Let the Registry place the appearance memo on record.

Heard.

Admit.

Call for the trial Court records.

I.A. NO. 616 OF 2021

This is an application for grant of bail.

Heard learned counsel for the appellant and learned counsel for the State.

The appellant-petitioner has been convicted under sections 7 and 13(2) read with section 13(1)(d)(i) of the Prevention of Corruption Act and

sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.5,000/- (five thousand), in default, to undergo rigorous

imprisonment for a further period of six months under section 7 of the Prevention of Corruption Act, 1988 by the learned Addl. Sessions Judge -cum-

Special Judge (Vigilance), Phulbani vide judgment and order dated 29th June 2021 in G.R. Case No. 05 of 2018(V)/ T.R. No. No.03 of 2019. No

separate sentence has been passed by the learned trial Court for conviction of the appellant under section 13(2) of the Prevention of Corruption Act.

Learned counsel for the petitioner submitted that the petitioner was on bail during trial and he never misutilized the liberty granted to him. He was also

released on interim bail by the learned trial Court after conviction.

Learned counsel for the Vigilance Department opposed the prayer for bail.

Considering the submissions made by the learned counsel for the respective parties, the nature of evidence adduced by the prosecution during trial and

the sentence imposed by the learned trial Court and absence of chance of early hearing of the appeal in the near future, I am inclined to release the

petitioner on bail.

Let the appellant-petitioner be released on bail pending disposal of the appeal on furnishing bail bond of Rs.50,000/- (rupees fifty thousand) with two

solvent sureties each for the like amount to the satisfaction of the learned trial Court.

The I.A. is disposed of.

I.A. NO. 617 OF 2021

This is an application for stay of realization of fine. Heard.

Considering the submissions made by the learned counsel for the parties, let there be stay of realization of fine amount imposed on the appellant-

petitioner pursuant to the judgment and order dated 29th June 2021 passed by the learned Addl. Sessions Judge -cum-Special Judge (Vigilance),

Phulbani in G.R. Case No. 05 of 2018(V)/ T.R. No. No.03 of 2019 pending disposal of the criminal appeal.

The I.A. is disposed of.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available

in the High

Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice

No. 4587 dated 25th March 2020 as modified by Court's Notice No. 4798 dated 15th April 2021.

.â?|â?|â?|â?|â?|â?|â?|â?|â?|