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O.A. No. 522 of 2008

Jogendranath Majhi.....Applicant
Vs
Union of India & Ors.....Respondents

Order dated: 16.08.2011

CORAM:

Hon'ble Shri C.R.Mohapatra, Member (Admn.)
&
Hon'ble Shri A. K. Patnaik, Member(Judl.)

Heard Mr. D.K.Patnaik, Ld. Counsel for the applicant and Mr. S.K.Ojha, Ld. Standing Counsel appearing for the Respondent-Railways.

This Original Application has been filed by the applicant with the following prayer:-

“(i) To quash the letter dated 31.01.2008 under Annexure-9;
(ii) To direct the respondents to keep abeyance the departmental proceeding under Annexure-6 till conclusion of the criminal trial i.e. II(C) CC Case No.46/2003 pending before the learned S.D.J.M. Koraput;

During the course of hearing, Mr. Ojha, Ld. Standing Counsel for the Railways submitted a copy of the judgment dated 21.05.2011 of the C.J.(J.D.)-Cum-J.M.F.C.,Koraput whereunder the following orders have been passed:



“15. In the result, the accused is found not guilty of committing offence U/s. 3(a) of the R.P.U.P. Act and acquitted therefrom in view of section 248(1) of Cr. P.C. His bail bond stands cancelled along with the surety.

Enter this case as “Mistake of Fact”.

The seized money as per M.O.I be confiscated to the concerned Government. The documents seized by the I.O shall be retained by the concerned persons, from whom, seizure was made. The registers, such as, daily train case-cum-summary book, guard signature book for cash bag deposit, cash remittance note and attendance register shall be retained by the said witness on substitution of Exhibits. The order of disposal of property shall take effect four months after expiry of appeal period if no appeal preferred. In case of appeal, the same shall be dealt as per the orders of the Appellate Court.”

The above judgment shows that the criminal case pending against the applicant has already been finalized.

Having heard Ld. Counsel for parties and having gone though the judgment, we are of the view that the O.A. has become infructuous and thus dismissed as infructuous.



MEMBER (Judl.)



MEMBER (Admn.)