

**IN THE COURT OF THE SPECIAL JUDGE, C.B.I. COURT NO.I,  
BHUBANESWAR.**

*PRESENT:*

**Sri M.K.Panda,  
Special Judge, C.B.I.,  
Court No.I, Bhubaneswar.**

**T.R. Case No. 19 of 2006.  
Arising out of R.C.No.6(A)/2005.**

Date of argument : 12.9.2014.  
Date of Judgment : 16.9.2014.

**REPUBLIC OF INDIA.**

Versus.

1. Braja Kishore Rout, aged about 50 years,  
Son of late Dhadi Rout, Vill. Palasha, P.S./Dist.  
Jagatsinghpur.
2. Krushna Chandra Bisoi, aged about 49 years,  
s/o. Late Trinath Bisoi, Vill. Gudiamba, P.S.Bhanjanagar,  
Dist.Ganjam.
3. Babaji Barik, aged about 48 years, s/o. Khataram Barik,  
Vill. Danguapatna, P.S. Dhamnagar, Dist. Bhadrak,  
At/P. Korla, P.S. Town P.S., Dist. Dhenkanal.
4. Sadananda Parida, aged about 52 years,  
s/o. Late Subal Ch. Parida, vill. Tiara Pari, P.S. Brahmagiri,  
Dist. Puri.  
At/P. Hata Road, P.S.Town P.S. Dhenkanal, Dist.Dhenkanal.
5. Dharendra Sethi, aged about 52 years, s/o. Late Arjun Sethi,  
Vill. Jhanjiri Mangala, P.S.Badambadi, Dist. Cuttack.
6. Kalandi Swain, aged about 48 years, s/o. Ananda Ch.  
Swain, Vill. Belamala, P.S. Dhamnagar, Dist. Bhadrak,  
At/P. Hata Road, P.S. Town P.S. Dhenkanal, Dist.  
Dhenkanal.

7. Gadadhar Parida, aged about 42 years,  
s/o. Late Subal Ch. Parida, vill. Tiarapari, P.S.Brahmagiri,  
Dist.Puri.  
At/P. At Geeta Gram, P.S.Angul, Dist.Angul.
8. Kambhupani Pradhan, aged about 64 years,  
s/o. Late Doma Pradhan, vill.- Sisupadhi Nuagaon,  
P.S. Brahmagiri, Dist. Puri.
9. Bhupal Pramanik, aged about 64 years,  
s/o. Late Netai Pramanik, At- FCI Godown, Orient Depot,  
Ward No.1, Pujali, P.S. Budge Budge, Dist. South 24  
Pragana,

... Accused Persons.

For the Prosecution : Sri R.Hota, Spl.P.P.

For the Accused No.1 & 2: Sri P.Mohanty & Associates, Advs.

For the Accused No.3 to 9: Sri B.K.Mohanty & Associates, Advs.

### **J U D G M E N T**

The accused Braja Kishore Rout, Krushna Ch. Bisoi, Babaji Barik, Sadananda Parida, Dhirendra Sethi, Kalandi Swain and Gadadhar Parida stand charged U/Ss.120(B) IPC, 419 IPC, 420 IPC, 468 IPC, 471 IPC of the Indian Penal Code, whereas the accused Bhupal Pramanik and Kambhupani Pradhan stand charged U/S. 120(B) IPC, 419 IPC, 420 IPC, 468 IPC, 471 IPC and U/S. 13(2) read with Sec. 13 (1) & (d) of the Prevention of Corruption Act, 1988. They pleaded not guilty to the charges and claimed to be tried.

2. The factual matrix of the prosecution case is as follows: The accused Lesmo Mallik, District Manager In-charge FCI Jeypore, P.Sadagopan District Manager FCI Jeypore, Dibakar

Sahoo AG-I (Depot) District Office FCI Bhubaneswar, Sri U.N.Soren, Asst. Gr-I (Depot) F.S.D. Nawarangpur and Sri K.P.Waghmare, Deputy Manager(IR) R.O. FCI Bhubaneswar were members of identification committee during the year 1997 and were entrusted with the work of identifying F.C.I. workers for the purpose of regular appointment in F.C.I. It is also the case of the prosecution that in F.C.I. Food Storage Depot, Orient Jute Mill, Budge Budge, West Bengal, the labour work was initially being run through contract labour system and later, it was manned by the Workers Management Committee system w.e.f. March, 1980. Thereafter, in May, 1986 the Direct Payment System was introduced for which F.C.I asked for a list of workers from the Workers Management Committee for their engagement under Direct Payment System and some of the workers of Food Storage Depot, Orient Jute Mill, Budge Budge got appointment. The workers who were not absorbed filed a writ petition before the Hon'ble High Court of West Bengal on the direction of which the F.C.I management and the Workers' Union of F.C.I signed an agreement for absorption of 128 workers. Out of 128 workers, 67 workers were posted as Ancillary Labourers in various F.S.Ds of F.C.I in Orissa and Bihar. But out of 67 workers, 38 workers were asked to report before the then S.R.M. F.C.I. Bhubaneswar for posting at various F.S.Ds of F.C.I. in Orissa. Sri Bichitrananda Patra, Labour Sardar of F.C.I., F.S.D. O.J.M. Budge Budge, West Bengal was nominated by the F.C.I. Workers' Union to confirm the identities of these workers by authenticating the workers' bio-data forms affixed with their photographs. Accordingly a list of the said workers was sent to the S.R.M. F.C.I. Bhubaneswar having the names of Debendra Ram, Jalabi Shaw, Sapan Mallick, Ram Lal and Sankar Ram, who were given posting as Ancillary Labourer at

F.C.I. F.S.D. Dhenkanal which falls under the F.C.I. District Office, Cuttack. The bio-data forms with the affixed photographs of the aforesaid workers were submitted to the District Manager, F.C.I. Dist. Office, Cuttack who in turn forwarded the same to the Regional Office, F.C.I. Bhubaneswar and S.R.M. F.C.I. Bhubaneswar regularised the employment of the aforesaid workers under the Direct Payment System during the year 1992. But the workers namely Debendra Ram, Jalabi Shaw, Sapan Mallik, Ram Lal and Sankar Ram had ceased to work in F.C.I. before the Direct Payment Scheme came into force. It is the specific case of the prosecution that accused Krushna Chandra Bisoi impersonated himself as Debendra Ram, accused Shri Braja Kishore Rout impersonated himself as Jalabi Shaw, accused Shri Kalandi Swain impersonated himself as Sapan Mallik, accused Babaji Barik impersonated himself as Ram Lal, accused Dharendra Sethy impersonated himself as Sankar Ram, accused Sadananda Parida impersonated himself as Janak Ram and accused Gadadhar Parida impersonated himself as Sadananda Parida by submitting fraudulent bio-data forms and got absorbed into the F.C.I. The fraudulent bio-data forms of the above named accused persons were duly counter-signed and authenticated by the members of Workers' Management Committee namely Shri Bichitrananda Patra, Shri Bhupal Chandra Pramanik and Sri Kambhupani Pradhan who were working as Labour Sardars at F.S.D. O.J.M. Budge Budge, West Bengal and were the representatives of the F.C.I. Workers' Union. Prosecution case also reveals that they, being public servants, were having the responsibility to identify and authenticate the genuineness of the accused workers which they failed to do so and dishonestly countersigned the bio-data forms of the accused F.C.I. workers knowing fully well about the

real identities of the accused workers and also allowed the accused workers to impersonate themselves as genuine workers and in conspiracy facilitated the accused-workers in getting wrongful employment in F.C.I. . Thus, all the accused persons by entering into criminal conspiracy with each other cheated the F.C.I. and accused persons namely Bichitrananda Patra, Kambhupani Pradhan and Bhupal Chandra Paramanik, Labour Sardars by abusing their official position as public servants caused wrongful loss to the F.C.I and wrongful gain to them. In course of investigation specimen signatures of Bichitrananda Patra, Bhupal Chandra Paramanik and Kambhupani Pradhan were collected and sent to the Govt. Examiner of Questioned Document for comparison with the signatures contained in the bio-data forms of the accused –FCI Workers and obtained Govt. Examiner of Questioned Document report as well as sanction order against the accused Bichitrananda Patra, Kambhupani Pradhan and Bhupal Paramanik. On completion of usual investigation, the Investigating Officer of C.B.I submitted charge sheet against both the accused persons resulting in the present case.

3. Defence plea is one of complete denial of complicity of the accused in the alleged crimes.

4. Points for determination are:

- i. Whether the accused persons Krushna Chandra Bisoi, Braja Kishore Rout, Kalani Swain, Babaji Barik, Dharendra Sethi, Sadananda Parida and Gadadhar Parida during the year 1992 entered into criminal conspiracy with the accused Bichitrananda Patra, Bhupal Chandra Paramanik and Kambhupani Pradhan, Labour Sardars of F.C.I. and the

representatives of F.C.I. Workers' Union and in pursuance of the said conspiracy they impersonated themselves as Debendra Ram, Jalabi Shaw, Sapan Mallik, Ram Lal, Sankar Ram, Janak Ram and Sadananda Parida respectively and got themselves absorbed in the F.C.I..

- ii. Whether the accused persons Krushna Chandra Bisoi, Braja Kishore Rout, Kalani Swain, Babaji Barik, Dhirendra Sethi, Sadananda Parida and Gadadhar Parida pretending themselves to be Debendra Ram, Jalabi Shaw, Sapan Mallik, Ram Lal, Sankar Ram, Janak Ram and Sadananda Parida respectively and cheated the F.C.I and got wrongful employment.
- iii. Whether the above named accused persons during the year 1992 cheated the F.C.I by dishonestly inducing it to absorb themselves in regular employment under the DPS scheme by submitting forged bio-data forms and impersonating themselves as genuine workers.
- iv. Whether the above named accused persons during the year 1992 forged the bio-data forms intending that it shall be used for the purpose of cheating.
- v. Whether the above named accused persons during the year 1992 fraudulently used as genuine the bio-data forms which they knew or had reason to believe to be forged documents.
- vi. Whether during the year 1992 the accused persons Bichitrananda Patra, Kambhupani Pradhan and Bhupal Chandr Paramanik entered into criminal conspiracy with other accused persons- FCI workers, cheated the F.C.I. by getting them employment under the DPS Scheme by countersigning in the bio-data forms which they knew or had reason to believe, to be forged the documents and by corrupt or illegal

means or otherwise abusing their position as such public servants obtained pecuniary advantage by allowing the aforesaid persons to impersonate themselves as genuine workers and facilitating them in getting wrongful employment in F.C.I.

5. Prosecution in support of its charges against the accused has examined as many as 43 witnesses whereas the defence has adduced no evidence in substantiation of its plea and case.

6. Concomitantly, an important point for determination is whether the accused have impersonated. One of the material witnesses for the prosecution is none other than Jayanta Banarjee, the then Chief Labour Inspector, F.C.I. Zonal Office, East Calcutta for the period from 2000 to 2008. This witness appearing as P.W.40 has deposed that Direct Payment System came into force on 1.5.1986 in F.C.I and prior to it there was Workers' Management Committee for which the labourers used to work under that committee. It is the specific evidence of P.W.40 that when the Direct Payment System came into force, F.C.I asked for a list of workers from the Workers' Management Committee for their engagement under Direct Payment System of F.C.I and the Workers Management Committee submitted a list of names of 541 workers to the F.C.I for engagement under Direct Payment System. He has also testified that the F.C.I engaged 325 workers but did not engage the rest and aggrieved by this arrangement 33 workers filed a writ petition before the Hon'ble High Court, Calcutta claiming engagement under direct payment system and another group of workers became a party to that case before the Calcutta High Court. He has categorically testified that

on 6.12.1998 Hon'ble High Court of Calcutta passed an order directing the F.C.I to consider the engagement of the aggrieved workers in direct payment system subject to availability of vacancies. He has claimed in his evidence that F.C.I authority approached the Regional Labour Commissioner, Central, Calcutta for re-settlement on this issue and accordingly one settlement was arrived at on 3.7.92 before the Asst. Labour Commissioner, Central, Calcutta for absorption of the labourers. The relevant settlement has been proved as contained in Ext.73. According to P.W.40, Bichitrananda Patra was representative of the Workers' Management Committee. It is the specific evidence of P.W.40 that C.B.I. Police had seized letter dated 10.8.87 issued by F.C.I to Biranchi Narayan Patra & others, who are the members of Workers Management Committee as contained in Ext.139 and the circular of F.C.I dated 1.10.86 in respect of introduction of direct payment system as contained in Ext.140 along with the Ext.19, Ext.140 and Ext.73 on his production and prepared seizure list as contained in Ext.138. It has been elicited in the cross-examination of P.W.40 that the workers who were working prior to 1.5.86 under Workers' Management Committee system had submitted their bio-data duly signed by the respective labourers which was forwarded by the committee for absorption in direct payment system.

7. Basanta Kumar Dash, Manager, Industrial Relation, F.C.I. Regional Office, Bhubaneswar appearing as P.W.8 has deposed that on 10.3.2006 the I.O had seized five affidavits as contained in Ext.35 to Ext.39 and prepared seizure list as contained in Ext.34. He has further deposed that on 26.9.2006 the I.O also seized letter dated 9.9.97 as contained in Ext.41,

office order dated 17.11.97 as contained in Ext.42 and prepared seizure list as contained in Ext.40. According to P.W.8, the I.O had also seized the letter dated 16.11.89 as contained in Ext.44, office order dated 1.9.2001 as contained in Ext.45, application of Sadananda Parida as contained in Ext.46, letter dated 8.8.2001 addressed to Sr. Regional Manager as contained in Ext.47, the news paper dated 15.3.2001 of Samay as contained in Ext.48, the minutes of the meeting dated 4.2.98 as contained in Ext.49, list of the labours who had been identified by the committee members as contained in Ext.50, the minutes of meeting dated 31.10.97 as contained in Ext.51, letter dated 28.5.97 addressed to Zonal Manager, F.C.I as contained in Ext.52, letter dated 14.6.96 of F.C.I contained in Ext.53 and prepared seizure list contained in Ext.43. According to P.W.8, ten depots of the F.C.I throughout the country were brought under direct payment system as contained in Ext.52 out of which three depots were of the State Odisha namely Nabarangpur, Phulabani and Angul. He has specifically deposed that a committee consisting of three members namely T.S.Mathai, T.D.Mallik and S.C.Lenka, representative of F.C.I labour union had identified the labourers. He has categorically testified that the members of the committee and the labourers who had been identified have signed in the list as contained in Ext.50. P.W.11, Asst. Manager (General) District Office, F.C.I. Link Road, Cuttack has deposed that he was appointed as Enquiring Officer in a Departmental Proceeding initiated against Brajakishore Rout and Krushna Ch. Bisoi. He has proved the personal file of Braja Kishore Rout @ Jalabi Shaw as contained in Ext.55 and his inquiry report as contained in Ext.56. He has claimed in his evidence that basing on the report of the Tahasildar, Jagatsinghpur, driving license and certified copy of

voter list he found that Braja Kishore Rout is the son of Dhadi Rout of vill.Palasa in the District of Jagatsinghpur and has also established that Braja Kishroe Rout was not found in the name of Jalabi Shaw in the locality. He has also proved the personal file of Krushna Ch. Bisoi @ Debendra Ram as contained in Ext.57 and his inquiry report as contained in Ext.58. He has claimed in his evidence that basing on the report of Tahasildar, Bhanjanagar, driving license and voter list of Bhanjanagar constituency, he found that Krushna Ch. Bisoi is the son of Trinath Bisoi of vill. Gudiamba under Bhanjanagar P.S in the district of Ganjam and Trinath Bisoi has no son in the name of Debendra Ram. He has categorically testified that Krushna Chandra Bisoi is also not known in the name of Debendra Ram in the locality. According to P.W.11 that Braja Kishore Rout was working in the F.C.I as labourer in the name of Jalabi Shaw and Krushna Chandra Bisoi was working as labourer in the F.C.I in the name of Debendra Ram. It is the specific evidence of P.W.11 that Krushna Chandra Bisoi and Braja Kishroe Rout had been terminated. According to P.W.11, on 3.1.2006 the I.O seized bio-data of Sankar Ram (Ext.60), bio-data of Ram Lal (Ext.61), bio-data of Sapan Mallik (Ext.62), bio-data of Janak Rao (Ext.63), bio-data of Akhaya Naik (Ext.64) on his production and prepared seizure list as contained in Ext.59. He has also deposed that the I.O seized the service book of Sankar Ram @ Dharendra Sethi, Babaji Barik @ Ram Lal, Kalandi Swain @ Sapan Mallik and Sadananda Parida @ Janak Rao as contained in Ext.66, Ext.67, Ext.68 and Ext.69 respectively on his production and prepared seizure list as contained in Ext.65. Sri Aswini Kumar Das, Asst. Grade-II, F.C.I. Regional Office, Bhubaneswar appearing as P.W.13 has proved that on 22.3.2006 the I.O seized some documents on his production and prepared

seizure list as contained in Ext.71 and Ext.71/1 is his signature. He has deposed in his evidence that F.S.D, O.J.M, Budge, Budge were F.C.I Depots under Kolkata jurisdiction and Ext.72 is the communication made by the Zonal Office to Head Office relating to absorption of the contract labours in direct payment system. According to P.W.13, there was contract labour system in the above depots from 1980 to 1986 and thereafter workers management system was introduced and steps were taken for direct payment. He has specifically deposed that F.C.I Zonal Office asked for submission of list of workers working under contact system from the Workers Management Committee and the committee submitted a list of 541 workers out of which 325 workers were absorbed in the direct payment system. It is the specific evidence of P.W.13 that out of 216 workers, two were working elsewhere and remaining 214 could not be absorbed for which they had moved the Kolkata High Court. According to P.W.13, Kolkata High Court directed the F.C.I. to absorb the above petitioners in the direct payment system. He has claimed in his evidence that two Unions namely F.C.I. Workers Union and F.C.I.O.J.M. Budge Budge Contract Labour Union were working at that time and when there was rift between two unions, matter was referred to the Asst.Labour Commissioner, Central. He has also claimed in his evidence that a tripartite agreement was signed on 3.7.92 and there was an agreement for absorption of 128 labourers out of 214 labourers as contained in Ext.73. He has categorically testified that out of the above 128 workers, a list containing names of 67 workers was sent to absorb them in Orissa Depot as contained in Ext.74 in which Debendra Ram, Jalabi Shaw, Sapan Mallik, Ram Lal and Sankar Ram were among those 67 persons. No less specific is the evidence of P.W.13 that

the above five persons were absorbed in the direct payment system within the jurisdiction of F.S.D Dhenkanal. According to P.W.13, Ext.75 is the list describing the place of posting of 19 workers at different depots, Ext.76 is the biodata of Sapan Mallik sent by Asst.Secretary, Ext.77 is the letter for absorption of ten persons addressed to the Area Manager, Ext.78 is the letter describing the bio-data of Ram Lal, Ext.79 is another list of 13 workers forwarded to Area Manager, Ext.52 is the letter written by Manager I.R. Labour addressed to three Zonal Managers showing identification of ten depots under Direct Payment system. He has testified that Angul, Phulabani and Nabarangpur depots have been identified in the above direct payment system in the above letter on 24.11.97 as contained in Ext.50. His evidence further reveals that 60 workers came under direct payment system by the above letter and Ext.49 is the minutes of the meeting dated 4.2.98 relating to finalisation of list of workers coming under direct payment system. Syed Washiquddin Ahamad, Manager (I.R.) in the F.C.I District Office, Cuttack appearing as P.W.22 has deposed that on 26.8.2006 the C.B.I. Inspector seized service book of Sadananda Parida, original personal file of Sadananda Parida, a letter addressed by Joint Secretary, F.C.I. Workers Union to District Manager, F.C.I, District Office, Cuttack, another letter of Joint Secretary F.C.I. Workers Union to District Manager, F.C.I. Cuttack , original bio-data of Sadananda Parida with his photograph affixed thereto as contained in Ext.83, Ext.84, Ext.85, Ext.86 and Ext.84/1 and prepared seizure list as contained in Ext.82. He has further deposed that Sadananda Parida was working as handling labour, F.S.D. Angul and he knows from the salary statement that Sadananda Parida in the name of Sadanand Parida was working as Ancillary labourer at F.S.D. Dhenkanal.

8. Biskeshan Dehury, Tahasildar Jagatsinghpur appearing as P.W.1 has deposed that he supplied information regarding the legal heirs of late Dhadi Rout son of Radhu Rout of Parasa, P.S./Dist. Jagatsinghpur after making inquiry at village Parasa as contained in his report Ext.1 and Ext.1/1 is his signature. He has specifically testified that Rajkishore Rout, Braja Kishore Rout and Bidulata Rout are the legal heirs of Dhadi Rout and Jalabi Shaw was not the legal heir of Dhadi Rout. Prafulla Ch. Mishra, the then Asst. R.T.O. Bhubaneswar appearing as P.W.2 has deposed that on receiving requisition from the C.B.I. he verified the connected records of driving license No.3899 dated 6.11.85 in the name of Braja Kishore Rout, son of Dhadi Rout of vill./P.O. Palasa, P.S.Jagatsinghpur Dist. Cuttack at present Nayapalli, Bhubaneswar. He has claimed in his evidence that there was no mention of the name of Jalabi Shaw in this driving license as contained in Ext.2. P.W.4 Jagadish Senapati, Asst. Grade-I of F.C.I. Regional Office, Bhubaneswar has deposed that on 17.2.2006 the I.O. had taken the specimen signatures of Kambhu Pani Pradhan Labour Sardar, F.C.I. Depot, Budge Budge, Kolkata on nine sheets as contained in Ext.5 to Ext.5/8 in his presence and Ext.5/9 to Ext.5/17 are his signatures. It is also his testimony that specimen signatures of Bichitra Nanda Patra, Labour Sardar, F.C.I. Budge Budge, Kolkata had been taken in ten sheets in his presence as contained in Ext.6 to Ext.6/9 and Ext.6/10 to Ext.6/19 are his signatures. He has stated in the evidence that the specimen signatures of Bhupal Chandra Paramanik, Labour Sardar, F.C.I F.S.D. Budge Budge were taken in ten sheets in his presence as contained in Ext.7 to 7/9 and Ext.7/10 to Ext.7/19 are his signatures. According to P.W.4, on 17.2.2006 the I.O

seized voter I.Card and F.C.I Identity card of Babaji Barik as contained in Ext.9 and Ext.10 and prepared seizure list as contained in Ext.8. The I.O has also seized the F.C.I identity card of Ram Lal as contained in Ext.11. His evidence further reveals that voter identity card and F.C.I. identity card of Dharendra Sethi were seized in his presence as contained in Ext.12 and voter identity card (Ext.16) and F.C.I. identity card of Sadananda Parida (Ext.17) and Identity card of Janak Ram Parida vide Ext.18 seized in his presence as contained in Ext.15. It is the specific evidence of P.W.4 that voter identity card (Ext.20), F.C.I. identity card (Ext.21) and photocopy of Pan card (Ext.22) of Akhaya Mallik have been seized as contained in Ext.19. The evidence of P.W.4 reveals that voter identity card, F.C.I identity card and original pan card vide Ext. 24, Ext.25 and Ext.26 respectively of Kalandi Swain have been seized in his presence as contained in Ext.23. P.W.5 Krushna Ch. Das, Secretary of Dhoba Gram Panchayat, Dhamnagar has deposed that in view of voter list of Dhamnagar as contained in Ext.27, Ananda Chandra Swain, s/o. Late Indramani Swain of vill. Belmala Hamlet under revenue village Gaudabisi Nuapada and he has four sons namely Kalandi, Balaram, Dasarathi and Ajay. He has specifically deposed that Kalandi Swain has been described as the son of Ananda Swain in that voter list. P.W.6 Srikanta KumarRay, the then Headmaster of Sabhamula U.P. School has deposed that in response to the requisition of C.B.I. he has submitted details of Braja Kishore Rout who was admitted in Standard-VI in their School and he has been described as the son of late Dhadi Rout in the admission register in his letter as contained in Ext.28. P.W.7 Padmanav Panda, the then Headmaster of Venubaba Vidyapitha, Sabhamul has deposed that receiving requisition from the C.B.I. he submitted details in

respect of Braja Kishore Rout as contained in Ext.29. He has further deposed that the I.O seized original admission register and original transfer certificate book No.5 of their school on his production and released both the documents in his zima after keeping their certified copy as contained in Ext.32 and Ext.33. He has claimed in his evidence that as per records Braja Kishore Rout was admitted in Standard-VIII of the School on 21.7.82 and he has been granted transfer certificate on 15.4.86. It is the specific evidence of P.W.7 that as per the admission register Braja Kishore Rout has been described as the son of Dhadi Rout. P.W.9 Madhu Sudan Das, the then Secretary of Sohada Gram Panchayat, Dhamnagar appearing as P.W.9 has deposed that Khatu Barik @ Khatu is a resident of village Danguapatna which comes under the above Gram Panchayat and he has three sons namely Babaji, Sanyasi and Baishnab. He has proved the voter list of Danguapatna as contained in Ext.27 and Babaji Barik has been described as son of Khatu Barik at Sl.No.558 of that voter list. P.W.10 Biswanath Sethy permanent resident of village-Danguapatna has deposed that Khatu Barik is his co-villager. He has further deposed that Babaji, Baishnab and Sanyani are his three sons and Babaji is the eldest. It is the specific evidence of P.W.10 that in his village there is no other person by the name of Babaji Barik who is not being called as Ram Lal in their village. P.W.12 Jayadev Acharya, the then Tahasildar, Ghumsar, Bhanjanagar has deposed that after receipt of requisition from the C.B.I he called for a report regarding legal heir of Trinath Bisoi son of AgadhuBisoi of village. Gudiamba from the Revenue Inspector as contained in Ext.70. He has specifically testified that as per the report Chanchala was the wife of Trinath and they having three children namely Santa Bisoi, Krushna Ch.Bisoi and

Jhunu Bisoi and Trinath Bisoi has no son in the name of Debendra Ram. Harihar Kar, the then Asst. R.T.O. Cuttack appearing as P.W.14 has proved the certified copy of driving license issued in favour of Krushna Ch. Bisoi son of Trinath Bisoi of vill.Malaspadar, P.S. Bhanjanagar, Ganjam as contained in Ext.80 and Ext.80/1 is his signature. Madan Charan Swain of village Belamala who was working as a teacher appearing as P.W.15 has deposed that Kalandi Swain is the eldest son of Ananda Chandra Swain but he has not heard any other name of Kalandi by means he called in their village. He has further stated that he does not know any Sapan Barik residing in his village. P.W.16 Surendra Nayak has stated in his evidence that he knows the accused Krushna Ch. Bisoi as his co-villager but he does not know if he has got any other name but he is not called as Debendra Ram in their village. It is his specific evidence that Trinath has no other son in the name of Debendra. P.W.17 Anil Bhoi has deposed that he was the ward member of Mouza-Tiarapari and Sadananda is the son of Subal Parida of his village. He has specifically deposed that Sadananda is known as Janak Ram in their village.P.W.18 has deposed that he was the then Sarpanch of Sabhamula Gram Panchayat. He has further deposed that he knows Braja Rout son of Dhadi of village- Palasa. He has categorically testified that Braja Kishore Rout is being called Jalabi Shaw in the village. P.W.19 Bipin Bihari Behera has deposed that he is a permanent resident of mouza-Palasa. According to P.W.19, Rajkishore@ Naka and Braja Kishore @ Jalabi Shaw are the two sons of Dhadi. P.W.20 Sarangadhar Mohapatra has deposed that he knows Arjun Sethi who has got two sons namely Dharanidhar and Dhirendra @ Sankar Ram Sethi. Sanjeeb Mohanty of Jhanjir Mangala appearing as P.W.21 has deposed that Dharani and Dhirendra are the sons

of Arjun. He has claimed in his evidence that to his knowledge Dharendra had no other name. P.W.23 Bipra Charan Mohanty has deposed that he was Panchayat Secretary of Raibidhar Gram Panchayat and village Tiarapari comes under the said Gram Panchayat. He has testified that he knows Subala Parida of village Tiarapari. Gangadhar Jena, the then Headmaster of Jhajuria Nodal U.P. School, Khajuria appearing as P.W.24 has deposed that he furnished information about the admission of Gadadhar Parida son of Subala Charan Parida of vill.Tiarapari, P.S.Khajuria to the C.B.I. authority as contained in Ext.88 and Ext.88/1 is his signature. According to P.W.24, Gadadhar Parida was admitted in their School on 3.7.1980 in Class-VI and discontinued his study after passing Class-VIII. He has further deposed that he has also furnished photocopy of transfer certificate and copy of admission register as contained in Ext.89 and Ext.90. P.W.25 Shyamsundar Bal, the then Tahasildar Cuttack Sadar has deposed that referring the requisition of the C.B.I. he has furnished legal heir of late Arjun Sethi son of late Jogi Sethi of Jhanjirimangala after receiving report from the R.I. Sadar-I Circle as contained in Ext.91 and Ext.91/1 is his signature. Bijay Kumar Parida of village Tiarapari appearing as P.W.26 has deposed that he knows Subal Parida son of late Pranath Parida who has three sons namely Sudarsan Parida, Sadananda Parida and Gadadhar Parida. He has further deposed that the photograph affixed in Ext.84/1 and in Ext.63 are of Gadadhar Parida and Sadananda Parida respectively. According to P.W.26, when he was working as Clerk in Balunkeswar Bidyapitha he had sent certain information to C.B.I. in Ext.94 under the signature of Susama Das, Headmistress of that School which reveals that Gadadhar Parida son of Subala Charna Parida had taken admission in Class-VIII in their school on

15.7.1982 and read up to Class-X and left the School on 28.2.1986.P.W.27 Sasibhusan Mishra, the then a teacher of Balunkeswar Bidyapitha (High School) Khajuria has deposed that on 24.3.2006 he was in charge of Headmaster and on that day he had sent Xerox copy of School Leaving Certificate duly attested, School leaving certificate of Khajuria M.E.School duly attested and the Xerox copy of the admission register duly attested as contained in Ext.95, Ext.96 and Ext.97 respectively to the C.B.I. He has also sent the forwarding letter mentioning the details of student of Sadananda Parida son of Subal Charan Parida as contained in Ext.98 and Ext.98/1 is his signature. Jagadish Haldar who was working as Grade-I Depot in F.C.I District Office, Port Depot Kolkata appearing as P.W.28 has deposed that he knows the accused Bichitrananda Patra, Sadar Gang No.1-A, Sri Bhupal Pramanik, Sardar Gang No.4-A and Sri Kambhupani Pradhan, Sardar Gang No.2-A of FSD OJM Budge Budge and he is acquainted with their handwriting and signatures in course of official business. He has further deposed that the bio-data of Debendra Ram has been authenticated by Bhupal Pramanik and Kambhupani Pradhan. He has proved that Ext.99 is the Biodata of Debendra Ram, Ext.99/1 is the signature of Bhupal Pramanik and Ext.99/2 is the signature of Kambhupani Pradhan. It is the specific evidence of P.W.28 that the bio-data of Jalabi Shaw which has been authenticated by Bichitrananda Patra has been marked Ext.100 and Ext.100/1 is the signature of Bichitrananda Patra. He has also deposed that the bio-data of Sankar Ram which has been authenticated by Bhupal Pramanik and Kambhu Pani Pradhan, has been marked Ext.60. He has proved the signature of Bhupal Pramanik and Kambhupani Pradhan as contained in Ext.60/1 and Ext.60/2 respectively. According to P.W.28, the bio-data of Rama

Lal has been authenticated by Bichitrananda Patra and Ext.61/1 is the signature of Bichitrananda Patra. He has categorically testified that the bio-data of Sapan Mallick has been authenticated by Bhupal Pramanik and Kambhupani Pradhan. He has proved the signature of Bhupal Pramanik and Kambhupani Pradhan as contained in Ext.62/1 and Ext.62/2 respectively. P.W.29 Subir Dutta who was working as Area Manager (NDP) F.C.I. Kolkata has deposed that he was the competent authority to remove the accused Bichitrananda Patra, Kambhupani Pradhan and Bhupal Pramanik who were working as Sardars FCI , FSD,O.J.M. Budge Budge. He has claimed in his evidence that he had perused the relevant documents and accorded sanction for prosecution against the above named accused persons as contained in Ext.101, Ext.102 and Ext.103 respectively.

9. L.Loganalam, Asst. Govt.Examiner of Questioned Documents appearing as P.W.30 has deposed that he had carefully examined the documents received from the S.P. C.B.I. under Ext.104 and opined in Ext.105 that the blue enclosed signatures stamped and marked S-11 to S-19 also wrote the red enclosed signatures similarly stamped and marked Q-20 to Q-22. He has categorically testified that it was not possible to give any opinion on rest of the items on the basis of material at hand. He has further deposed that on 10.8.2006 office of GEQD Kolkata received certain additional documents under Ext.106 and he examined the additional documents and submitted supplementary opinion in Ext.107 that the person who wrote the blue enclosed signatures stamped and marked S-1 to S-10 and A-1 to A-4 also wrote the red enclosed signatures similarly stamped and marked Q-1 to Q-10. He has further opined that the person who wrote the

blue enclosed signatures stamped and marked S-22 to S-29 and A-10 to A-18 also wrote the red enclosed signatures similarly stamped and marked Q-30 to Q-32. P.W.32 Pratap Kumar Das, the then Revenue Inspector of Bhandarikuda circle under Brahmagiri Tahasil has deposed that he made an inquiry with the legal heirs of Subal Parida of vill.Tiarapari on the direction of the Tahasildar and submitted a report to the Tahasildar as contained in Ext.126. P.W.33 Bhagabat Prasad Patra, the then Revenue Officer in the office of Sub-Collector, Cuttack has proved the certified copy of voter list as contained in Ext.127 in which the name of Dharendra Sethi son of late Arjun Sethi appeared at Sl.No.29. P.W.34 Mahendra Behera has deposed that Kalandi is the eldest son of Ananda Charan Swain of his village and the nick name of Kalandi is Sapana. P.W.35 Bidyadhar Palei, the then Tahasildar Dhamnagar has deposed that he furnished information to the Collector, Bhadrak regarding legal heirs of Ananda Ch. Swain and Khataram Barik as contained in his letter Ext.128. P.W.36 Bimal Prasad Pattnaik, the then Revenue Officer, Sub-Collector office, Puri has deposed that on 12.8.2006 C.B.I. had sought certain information for which on the direction of Sub-Collector Puri he has furnished the information that in the voter list of the year 1995 and 2006 the name of Gadadhar Parida appeared at Sl.No.162 and at Sl.No.232 respectively and in the voter list of the year 1995 and 2006 the name of Sadananda Parida appeared at Sl.No.168 and Sl.No.230 respectively. He has proved both the voter lists as contained in Ext.130. Shyama Kumar Satpathy, Chief Labour Inspector in the F.C.I. District Office, Balesore appearing as P.W.37 has deposed that on 23.3.2006 C.B.I. Police had seized letter dated 20.4.87 as contained in Ext.132, another letter dated 13.5.87 as contained in

Ext.133, letter dated 2.5.89 along with absentee statements in respect of D.P.S. Labour of F.S.D. Rupsa as contained in Ext.134, original wage particular register of DPS, FSD Rupsa as contained in Ext.135, Xerox copy of the circular for up-gradation of D.P.S. Depot issued by the Regional Office, F.C.I. Bhubaneswar as contained in Ext.136 from him as contained in seizure list Ext.131. He has further deposed that on the direction of the C.B.I he has furnished the details of Sadananda Parida who was working as Ancillary Labour at F.S.D. F.C.I. Dhenkanal and previously he was working as Janak Ram Parida at F.S.D.Rupsa but Janak Ram Parida was working as Ancillary labourer under Direct Payment System at Rupsa. It is the specific evidence of P.W.37 that Direct payment system came into force at Rupsa w.e.f 1986 and previously they were working under contractor. He has claimed in his evidence that the name of Janak Ram finds place at Sl.No.30 in Ext.133 and at Sl.No.19 of Ext.135. He has categorically testified that Janakram Parida was transferred to Dhenkanal and relieved from 17.5.88 which reveals from page No.54 of Ext.135 and the name of Janakram Parida appearing in the absentee statement as contained in Ext.134. P.W.38 Braja Kishore Jena of village Danguapatna has deposed that Khaturam Barik of his village has three sons namely Babaji Barik, Baishnab Barik and Sanyasi Barik. He has claimed in his evidence that Babaji Barik is the eldest son of Khaturam who is working in the F.C.I. at Dhenkanal and Babaji is also know by the name Ram Lal. P.W.39 Brajakishore Jena has deposed that Babaji is the eldest son of Khaturam Barik who belongs to their village and he is serving in the F.C.I at Dhenkanal. He has claimed in his evidence that Babaji is also known by name Ramlal. P.W.39 the then Nizarat Officer in the Sub-Collector, Puri has deposed that he has issued the

certified copy of voter list of Sadananda Parida of village Tiriapari as contained in Ext.137. P.W.41 the then Sub-Collector, Bhanjanagar has deposed that on the requisition of C.B.I. he had sent certified copy of Electoral Roll for the year 2003 and miniature sheet of Photo identity card of Krushna Chandra Bisoi to the Inspector C.B.I. Bhubaneswar as contained in Ext.141. He has proved the relevant page of the voter list as contained in Ext.142 in which the name of Krushna Ch. Bisoi appeared Sl.No.634. He has also proved the miniature sheet photo identity card as contained in Ext.143 and Ext.143/1 is the relevant voter I.D of Krushna Ch.Bisoi. Investigating Officer, Ranjam Kumar Das appearing as P.W.42 has deposed that he took up investigation of the case on 16.2.2005 and in course of investigation he examined the witnesses and seized the documents as contained in seizure lists Ext.59, Ext.8, Ext.12, Ext.15, Ext.19, Ext.23, Ext.31, Ext.34, Ext.40, Ext.43, Ext.54, Ext.155, Ext.72, Ext.82, Ext.138, Ext.156 and Ext.157. He has claimed in his evidence that he obtained the specimen signatures of Bichitrananda Patra, Bhpal Ch. Pramanik and Sri Kambhupani Pradhan as contained in Ext.6 series, Ext.7 series and Ext.5 series respectively and sent the exhibits to the Government Examiner of Questioned Documents and obtained the opinion of Govt. Examiner of Questioned Documents. It is the specific evidence of P.W.42 that he obtained sanction order for prosecution against the above named accused persons as contained in Ext.1 to Ext.103 and on completion of investigation submitted charge sheet. P.W.43 Susil Kumar Mohapatra, the then Inspector of Police, C.B.I. Bhubaneswar has deposed that on the direction of the I.O, he examined some witnesses and received certified copy of voter lists. This is the whole evidence of the prosecution against the accused.

10. Defence cross-examination in the evidence of witnesses has brought out serious admissions which weigh heavily against the prosecution case. It is the admission of P.W.1 Biskeshan Dehury that he had personally made the inquiry. His further admission is that he has not recorded the statement of Brajakishore and Bidulata. His admission also reveals that although he had enquired from the co-villager but his report contains nothing in this regard. He has denied the defence suggestion that Braja Kishore is also called as Jalabi Shaw and that he had submitted the report without making any inquiry. P.W.2 Prabhat Ch. Mishra has admitted in his cross-examination that no photograph has been affixed in the driving license contained in Ext.2. His further admission is that the driving license is issued in the official name of a person and not in the name by which he is called. P.W.2 has denied his knowledge as to whether Braja Kishore Rout was being called as Jalabi Shaw. Similarly it is the admission of P.W.3 Sanjaya Kumar Samal that the contents of the F.I.R reveal that Braja Kishore is also known as named in Jallabi Shaw and Krushna Chandra Bisoi by name Debendra. P.W.4 Jagadish Senapati has denied a defence suggestion that the signatures have not been taken in his presence and the documents have not been seized in his presence. P.W.8 Basanta Kumar Dash's admission is that since the recommendation of the committee was a correct one, direct payment system was introduced. P.W.9 Madhu Sudan Das's admission is that voter list does not disclose that Khataram @ Khatu is the father of Babaji and he has no knowledge if Babaji Barik is known by another name. Similarly it is the admission of P.W.10 Biswanath Sethy that he has no knowledge whether Babaji Barik has any other name in his service place and that he does not know if Babaji

Barik has changed his name by virtue of any affidavit. It is the admission of P.W.12 Jayadev Acharya that the report submitted by him is based on the inquiry report of the R.I. which is based on the revenue record. P.W.15 Madan Charan Swain has denied his knowledge if Kalandi was working somewhere in Calcutta and presently he is staying at Dhenkanal. P.W.16 Surendra Nayak has denied his knowledge as to by what name Krushna was being called in his work place. P.W.22 has admitted in his cross-examination that Sadananda Parida has got into service on the basis of bio-data contained in original bio-data and that he has no knowledge whether all the documents have been seized. P.W.26 Bijay Kumar Parida has admitted in his cross-examination that the nick name of Sadananda is Janak Ram and the nickname of Gadadhar Parida is Sadananda. P.W.27 Sasibhusan Mishra's admission is that he does not remember the student Sadananda and also does not know him by any other name. P.W.31 Ramananda Panda has admitted in his cross-examination that Gadadhar is known by name Sadananda Parida. P.W.32 Pratap Kumar Das has admitted in his cross-examination that Sadananda Parida has no other name and he does not know his nick name. It is the candid admission of P.W.33 Bhagabat Prasad Patra that it is only one name of a person which is entered in the voter list and if he has other names, they are not entered in the voter list. It is the admission of P.W.36 Bimal Prasad Pattanaik that he has given no endorsement in Ext.129 to the effect that he has furnished the information to the Sub-Collector, Puri and that he has not visited the village of Sadananda Parida. He does not know his nick name. P.W.41 Ramesh Chandra Pradhan's admission is that voter list was not prepared under his supervision

and that Krushna Chandra Bisoi had no nick name in the voter list as address of the voter does not find place in the voter list.

11. It is the admitted position that each accused worker has two names. The accused-workers had not only furnished their photographs with L.T.I but also they had disclosed their fathers' names and addresses. The learned defence counsel in course of his submission strenuously contends that the whole prosecution case is liable to be jettisoned in as much as it is suspicious in nature in its entirety. The allegation in the evidence of the prosecution witnesses that Bichitra Nanda Patra, Labour Sardar of F.C.I. who is one of the accused persons, was nominated to confirm the identity of the workers, has been totally controverted by P.W.8 Basanta Kumar Das, who was working as Manager, Industrial Relation, F.C.I. Regional Officer, Bhubaneswar. This important witness has specifically deposed that a committee consisting of three members namely T.S.Mathai, T.D.Mallick and S.C.Lenka had identified the labourers. This piece of evidence of P.W.8 finds ample corroboration from the evidence of P.W.37 Shyama Kumar Satpathy, who was working as Chief Labour Inspector in the F.C.I. District Office, Balesore. P.W.8 at para-3 of the cross-examination has fairly conceded a defence suggestion that those who were working as labourers under contractor were subsequently enrolled as ancillary labourers under direct payment scheme of F.C.I. His further admission is that subsequently they were appointed as departmental employees and ancillary labourers and those who had furnished bio-data get into direct payment system and subsequently became direct employees. P.W.8 has also conceded the defence suggestion that a committee comprising officers from FCI and leader of workers

and Labour Officers was formed to scrutinize all the bio-data as to their identity. His clean admission is that the bio-data submitted by the accused persons contained their fathers' names and permanent address. The admissions of P.W.8 in cross-examination stand amply supported by the evidence of P.W.40 who has candidly admitted at Para-3 of cross-examination that the workers who were working prior to 1.5.1986 under worker management committee system have submitted their bio-data which was forwarded by the committee for absorption in the direct payment system. Yet another important witness P.W.42 , who is the I.O at para-5 of the cross-examination has conceded the defence suggestion that according to the F.I.R Braja Kishore Rout and Jalabi Shaw are one and the same person. His further admission is that Krushna Ch. Bisoi and Debendra Ram are one and the same person. P.W.42 has also conceded the defence suggestion that the address and the name of the accused persons have been corrected as per bio-data submitted in the year 1992. The most damaging admission appearing in the cross-examination of the I.O P.W.42 is that bio-data of each accused bears his LTI and Photograph and that he has not sent the L.T.I on the bio-data along with the specimen LTI of each accused to the C.F.S.L. Calcutta for examination and opinion regarding identity. No less damaging is his admission that in course of investigation he did not find any other person by the name Janak Ram, Sapan Mallik, Ram Lal, Sankar Ram, Jalabi Shaw, Debendra Ram and Sadananda Parida. On the contrary it is the definite evidence of P.W.17 who is a co-villager of Sadananda Parida that Sadananda Parida is known as Janak Ram in village It is also the evidence of P.W.18 Bipin Bhoi who was the Sarpanch of Sabhamula Gram Panchayat that Brajakishore Rout is being called as Jalabi Shaw in

the village. Similar is the evidence of co-villager P.W.19 who has testified that Rajkishore @ Naka and Brajakishore@ Jalabi Shaw are the two sons of Dhadi. It is the evidence of P.W.20 that he knows the deceased Arjun Sethi who has got two sons namely Dharanidhar and Dhirendra @ Sankar Ram Sethy. P.W.21 has specifically deposed that Dhirendra was being called as Sankar. It is the admission of P.W.3 at Para-3 of cross-examination that Gadadhar Parida is also known by the name Sadananda Parida. It is, therefore, manifestly obvious that the accused –ancillary workers had alias names which have been admitted by the prosecution witnesses.

12. Significantly, it is the specific case of the accused ancillary workers that they had alias names and they were working under contractors in F.C.I prior to introduction of direct payment system in F.C.I. Importantly, as they were not considered to be brought under the direct payment system, they had approached the Hon'ble Calcutta High Court in a writ petition following which a tripartite settlement was entered into in the year 1992 between the Management, Workers Union and the Assistant Labour Commissioner. More importantly, on the basis of that settlement the accused persons have submitted their bio-data which were scrutinized by the identification committee only after which they were given appointment. It is extremely unusual that the I.O has chosen not to examine the committee members who had processed the bio-data and recommended for engagement of the accused persons under the direct payment system. The very fact that the I.O. decided not to examine the committee members goes a long way in straining his essential credibility. There could be no gainsaying the fact that there are

material witnesses who must have verified the bio-data, the writ petition and the previous documents, if any, to ascertain the identity of the accused persons. But the prosecution for reason best known to it has not examined any of them. It is the duty of the prosecution to examine material witnesses and for non-examination of same witnesses adverse inference can be drawn. In the present case since the I.O has omitted to examine material witnesses in his own wisdom adverse inference is well drawn. The very fact that the I.O has not sent the L.T.I on the respective bio-data with the admitted L.T.Is of the accused persons which could have well proved the existence of some other persons except the accused persons, unmistakably affects the credibility of the prosecution case. One of the serious admissions of the I.O. P.W.42 is that in course of investigation he has not found any other person in the alias name of the accused persons. What is particularly striking in this connection is that if the accused persons had really impersonated anybody, they could not have conceivably disclosed their father's name and addresses before the Hon'ble Calcutta High Court, before the Asst. Labour Commissioner and in the bio-data. It is significant to note that if the I.O had seized the original order of the petition from the Hon'ble Calcutta High Court, he could have confirmed that the accused persons and their alias are one and the same persons. Quite obviously, this is the precise reason for which the I.O has brought no materials on record in this regard. Understandably, a suspicious feature is writ large in the whole prosecution case which casts serious reflection on its bonafide, I find ample force in the contentions of the learned defence counsel. Once it is held that the allegation of impersonation is not legally sustainable, other charges by necessary implication squarely fail. It therefore

follows as a natural corollary that the accused have not impersonated anybody. In the perspective, the accused are entitled to benefit of doubt.

13. In ultimate appraisal of the totality of the evidence on record I am driven to hold that the prosecution has failed to prove its case against the accused beyond all reasonable doubt. I, therefore, find the accused Braja Kishore Rout, Krushna Ch. Bisoi, Babaji Barik, Sadananda Parida, Dharendra Sethi, Kalandi Swain and Gadadhar Parida not guilty of the offences under Sections 120(B), 419, 420, 468, 471 IPC and accused Bhupal Pramanik and Kambhupani Pradhan not guilty of the offences under Sections 120-B, 419, 420, 468, 471 IPC and u/s. 13(2) read with Sec. 13(1)(d) of the P.C. Act, 1988 and acquit them under Sections 248(1) Cr.P.C. The bail bonds stand cancelled.

The seized documents be returned from whom seized and the zimanama, if any, be cancelled four months after the appeal period is over, if no appeal is preferred and in the event of an appeal subject to order of the Hon'ble Appellate Court.

Special Judge, C.B.I., Court No.I, Bhubaneswar.

Dictated & corrected by me and pronounced in the open court today i.e. on 16<sup>th</sup> September, 2014.

Special Judge,C.B.I., Court No.I,Bhubaneswar.

**LIST OF WITNESSES EXAMINED FOR THE PROSECUTION.**

- P.W.1. Biskeshan Dehury.  
P.W.2 Prabhat Ch. Mishra.  
P.W.3. Sanjaya Kumar Samal.  
P.W.4. Jagadish Senapati  
P.W.5. Krushna Ch. Das.  
P.W.6. Srikanta Kumar Ray.  
P.W.7. Padmanav Panda.  
P.W.8. Basanta Kumar Dash.  
P.W.9. Madhu Sudan Das.  
P.W.10. Biswanath Sethy.  
P.W.11. Sudam Charan Das.  
P.W.12. Jayadev Acharya.  
P.W.13. Aswini Kumar Das.  
P.W.14. Harihar Kar.  
P.W.15. Madan Charan Swain.  
P.W.16. Surendra Nayak.  
P.W.17. Anil Bhoi.  
P.W.18. Bipini Bhoi.  
P.W.19. Bipin Bihari Behera.  
P.W.20. Sarangadhar Mohapatra.  
P.W.21. Sanjeeb Mohanty.  
P.W.22. Syed Washiquddin Ahamad.  
P.W.23. Bipra Charan Mohanty.  
P.W.24. Gangadhar Jena.  
P.W.25. Shyamsundar Bal.  
P.W.26. Bijay Kumar Parida.  
P.W.27. Sasibhusan Mishra.  
P.W.28. Jagadish Haldar.  
P.W.29. Subir Dutta.

- P.W.30. L.Loganathan.  
 P.W.31. Ramananda Panda.  
 P.W.32. Pratap Kumar Das.  
 P.W.33. Bhagbat Prasad Patra.  
 P.W.34. Mahendra Bedhera.  
 P.W.35. Bidyadhar Palei.  
 P.W.36. Bimal Prasad Pattanaik.  
 P.W.37. Shyama Kumar Satpathy.  
 P.W.38. Brajakishore Jena.  
 P.W.39. Dr.Chitrasen Rout.  
 P.W.40. Jayanta Banarjee.  
 P.W.41. Ramesh Chandra Pradhan.  
 P.W.42. RanjanKumar Das.  
 P.W.43. Sunil Kumar Mohapatra.

**LIST OF WITNESS EXAMINED FOR THE DEFENCE.**

NONE.

**LIST OF DOCUMENTS ADMITTED FOR THE PROSECUTION.**

- Ext.1. Report.  
 Ext.1/1 Signature of P.W.1  
 Ext.2 Certified copy of driving license  
 Ext.3 Report.  
 Ext.3/1 Signature of P.W.3.  
 Ext.4 F.I.R.  
 Ext.4/1. Signature of S.P.  
 Ext.5 to Specimen signature of K.Pani.  
 5/8  
 Ext.6 to Specimen signature of B.N.Patra.  
 6/19.  
 Ext.7 to Specimen signature of B.C.Pramanik.  
 7/9  
 Ext.8 Seizure list.  
 Ext.8/1 Signature of P.W.4  
 Ext.9. Voter I.Card

Ext.10 Identity card of B.Barik.  
Ext.11 Identity card of Ramlal.  
Ext.12. Seizure list.  
Ext.12/1 Signature of P.W.4  
Ext.13 Voter I.card of D.Sethi.  
Ext.14. FCI I.card of D.Sethi.  
Ext.15 Seizure list  
Ext.15/1 Signature of P.W.4  
Ext.16 Voter I.D of S.Parida.  
Ext.17. FCI I.card of S.Parida.  
Ext.18. I.Card of J.Parida.  
Ext.19. Seizure list.  
Ext.19/1. Signature of P.W.4.  
Ext.20. Voter I.Card of A.Mallik.  
Ext.21. FCI I.Card of A.Mallik.  
Ext.22. Copy of Pan Card of A.Mallik.  
Ext.23. Seizure list.  
Ext.23/1. Signature of PW.4.  
Ext.24 Voter I.D card of K.Swain.  
Ext.25. FCI ICard of K.Swain.  
Ext.26 Pan card of K.Swain.  
Ext.27. Voter list.  
Ext.28. Letter.  
Ext.29. Letter.  
Ext.29/1. Signature of P.W.7.  
Ext.30. Seizure list.  
Ext.30/1. Signature of P.W.7.  
Ext.31 Zimanama.  
Ext.31/1. Signature of P.W.7.  
Ext.32. Copy of Admission Register.  
Ext.33. Transfer certificate.  
Ext.34. Seizure list.  
Ext.34/1. Signature of P.W.8.  
Ext.35 to Affidavits.  
Ext.39  
Ext.40. Seizure list.  
Ext.40/1. Signature of P.W.8.  
Ext.41. Letter.  
Ext.42. Office report.  
Ext.43. Seizure list.  
Ext.43/1. Signature of P.W.8.  
Ext.44. Letter.  
Ext.45. Office order.  
Ext.46. Application.  
Ext.47. Letter.

- Ext.48. News Paper Samay dt.15.3.01.  
 Ext.49. Minute of meeting.  
 Ext.50 List of labourers.  
 Ext.51. Minute of Meetings.  
 Ext.52 Letter  
 Ext.53 Do  
 Ext.54 Seizure list  
 Ext.54/1 Signature of P.W.11  
 Ext.55 Personal file of B.K.Rout.  
 Ext.56 Enquiring report.  
 Ext.57 Personal file of K.C.Bhoi.  
 Ext.58. Inquiry report.  
 Ext.58/1 Signature of P.W.11  
 Ext.59 Seizure list.  
 Ext.59/1. Signature of P.W.11.  
 Ext.60 Bio-data of Sankar Ram.  
 Ext.61 Bio-data of Ram Lal.  
 Ext.62. Bio-data of Sapana Mallick.  
 Ext.63. Bio-data of Janak Ram.  
 Ext.64 Bio-data of Akhaya Nayak.  
 Ext.65 Seizure list.  
 Ext.65/1 Signature of P.W.11.  
 Ext.66. Service book of Sankar Ram @ Dharendra Sethi.  
 Ext.67 Service book of Babaji Barik @ Ram Lal.  
 Ext.68 Service book of Kalandi Swain @ Sapan Mallick.  
 Ext.69 Service book of Sadananda @ Janak Ram.  
 Ext.70 Report of P.W.12.  
 Ext.70/1. Signature of P.W.12.  
 Ext.71. Seizure list.  
 Ext.71/1 Signature of P.W.13.  
 Ext.72. Communicate made by Zonal Office to Head office.  
 Ext.73. Agreement.  
 Ext.74 List containing names of 67 workers.  
 Ext.75 List describing the place of posting of 19 workers.  
 Ext.76 Letter describing bio-data of Sapana Mallik.  
 Ext.77 Letter to Area Manager.  
 Ext.78. Letter describing bio-data of Ram Lal.  
 Ext.79 List of thirteen workers.  
 Ext.80 Certified copy of driving license granted to Krushna Ch.Bisoi.  
 Ext.81. Letter.  
 Ext.81/1. Signature of P.W.14.  
 Ext.82. Seizurelist.  
 Ext.82/1. Signature of P.W.22.  
 Ext.83 Service book of Sadananda Parida.

Ext.84 Original personal file of Sadananda Parida.  
 Ext.85 Letter.  
 Ext.86 Letter  
 Ext.84/1 Original bio-data of Sadananda Parida.  
 Ext.87 Certified copy of voter list of Raibidhar G.P.  
 Ext.88 Letter  
 Ext.88/1 Signature of P.W.24.  
 Ext.89 Photocopy of T.C. and Admission register.  
 and  
 Ext.90  
 Ext.91 Letter  
 Ext.91/1 Signature of P.W.25.  
 Ext.92 Forwarding letter.  
 Ext.92/1 Signature of Susama Das.  
 Ext.93 Information sheet  
 Ext.93/1 Signature of Susama Das.  
 Ext.94 Admission register  
 Ext.94/1 Signature of Headmistress Susama Das.  
 Ext.95 School leaving certificate Xerox copy  
 and  
 Ext.96  
 Ext.97 Xerox copy of admission register.  
 Ext.98 Forwarding letter.  
 Ext.98/1. Signature of P.W.27.  
 Ext.99 Bio-data of D.Ram.  
 Ext.99/1 Signature of B.C.Pramanik.  
 Ext.99/2. Signature of K.Pradhan.  
 Ext.100 Bio-data of J.Shaw.  
 Ext.100/1 Signature of B.Patra.  
 Ext.60/1. Signature of B.C.Pramanik.  
 Ext.60/2 Signature of K.P.Pradhan.  
 Ext.61/1 Signature of B.Patra.  
 Ext.62/1 Signature of B.C.Pramanik.  
 Ext.62/2 Signature of k.P.Pradhan.  
 Ext.62/3. Signature of B.Patra.  
 Ext.101 to Sanction order.  
 Ext.103.  
 Ext.101/1 Signature of P.W.29 on Ext.101.  
 to  
 Ext.101/8  
  
 Ext.102/1 Signature of P.W.29 on Ext.102.  
 to  
 Ext.102/6

Ext.103/1 Signature of P.W.29 on Ext.103.  
 to  
 Ext.103/6  
 Ext.104 Letter of C.B.I. addressed to G.E.Q.D.  
 Ext.105. Opinion of GEQD  
 Ext.105/1 Signature of P.W.30 on Ext.105.  
 Ext.105/2. Signature of V.G.S.Bhattachanagar GEQD  
 Ext.105/3 Forwarding letter.  
 Ext.105/4 Signature of VGS Bhattachanagar GEQD  
 Ext.106 Forwarding letter  
 Ext.107 Supplementary opinion.  
 Ext.107/1. Signature of P.W.30 on Ext.107  
 Ext.107/2 Signature of VGS Bhattachanagar GEQD  
 Ext.107/3 Forwarding letter  
 Ext.107/4 Signature of VGS Bhattachanagar GEQD  
 Ext.108 Separate sheet bearing the reasoning.  
 Ext.108/1 Signature of P.W.30 on Ext.108.  
 to  
 Ext.108/3  
 Ext.109 Forwarding letter in respect of reasoning.  
 Ext.109/1 Signature of P.W.30 on Ext.109.  
 Ext.110 Document  
 Ext.111 Prints of the negatives.  
 Ext.112 to 12 nos of admitted documents.  
 123.  
 Ext.124 Letter containing information.  
 Ext.124/1 Signature of P.W.31  
 Ext.125 Certified copy Admission register  
 Ext.125/1 Signature of P.W.31.  
 and  
 Ext.125/2  
 Ext.126 Relevant report of Addl.Tahasildar B.Giri  
 Ext.126/1 Signature of Addl.Tahasildar B.Giri on Ext.126.  
 Ext.127 Certified copy of voter list No.44 of Cuttack city.  
 Ext.127/1. Signature of P.W.33 on Ext.127.  
 Ext.128. Relevant letter of Tahasildar Dhamnagar.  
 Ext.128/1. Signature of P.W.35 on Ext.128  
 Ext.129 Relevant letter.  
 Ext.129/1. Signature of Subhansu Sekhar Bhuyan.  
 Ext.130 Relevant voter list.  
 Ext.130/1. Signature of P.W.36  
 Ext.131 Seizure list.  
 Ext.131/1. Signature of P.W.37.  
 Ext.132. Letter Dated 20.4.87 of F.C.I.  
 Ext.133 Letter dated 13.5.87 of FCI Workers Union.

- Ext.134 Letter dated 2.5.88 with absentee statement  
 Ext.135 Original wage particulars register of DPS FSD Rupsa  
 Ext.136 Xerox copy of circular for up-gradation of OPS Deptt.
- Ext.136/1. Signature of P.W.37.  
 Ext.137 certified copy of voter list of village. Tiriapari  
 Ext.137/1. Signature of P.W.39  
 Ext.138. Seizure list.  
 Ext.138/1 Signature of P.W.40  
 Ext.139 Letter dated 10.8.87 issued by F.C.I. to B.N.Patra.  
 Ext.140 Circular of FCI dated 1.10.86.  
 Ext.141 Relevant letter  
 Ext.141/1 Signature of R.K.Mishra.  
 Ext.142 Relevant page voter list.  
 Ext.142/1 Name of Krushna Ch.Bisoi at Sl.No.634 of Ext.142.  
 Ext.143 Miniature sheet.  
 Ext.143/1. Relevant voter I.D.  
 Ext.142/2 Signatures of P.W.41.  
 and  
 Ext.143/2  
 Ext.144 Forwarding letter.  
 Ext.144/1. Signature of P.W.41.  
 Ext.145 Attested copy of voter list of the year 1995.  
 Ext.146 Attested copy of voter list of the year 2003  
 Ext.145/1 Signatures of R.K.Mishra.  
 and  
 Ext.146/1  
 Ext.59/2,  
 Ext.8/2,  
 Ext.12/2,  
 Ext.15/2,  
 Ext.19/2,  
 Ext.23/2,  
 Ext.30/2,  
 Ext.31/2  
 Ext.34/2 Signatures of P.W.42.  
 Ext.40/2  
 Ext.43/2  
 Ext.54/2  
 Ext.155/1  
 Ext.82/2  
 Ext.138/2,  
 Ext.156/1  
 Ext.157/1  
 Ext.155 Seizure list dated 14.3.2006.

Ext.156 Seizure list dated 21.7.2006  
Ext.157 Seizure list dated 27.7.2005.  
Ext.147 to Seizure lists.  
Ext.154

**LIST OF DOCUMENTS EXHIBITED ON BEHALF OF THE PROSECUTION**

Ext.A. Order dated 1.5.2004 directing P.W.11 to conduct inquiry.  
Ext.B. Order dated 3.2.2004 directing P.W.1 to conduct inquiry against Jalabi Shaw.

Special Judge, C.B.I.Court No.1, Bhubaneswar.