

IN THE COURT OF THE SPECIAL JUDGE, C.B.I.-II, BHUBANESWAR.

PRESENT :

**Dr. A.K.Mishra,  
Special Judge, C.B.I.-II, Bhubaneswar.**

**T.R.No. 6/30 of 2015/2008.**

R.C. No. 12(A) of 2008.

Date of argument : 2.4.2016.

Date of Judgment : 7.4.2016.

Republic of India.

**Versus.**

Ashok Chand Patra, aged about 62 years,  
s/o. late Arakshita Patra, vill. Titilagarh, P.S. Titilagarh,  
Dist. Balangir.

... Accused.

For the prosecution : Sri K.L.Kar, Special P.P.

For the Defence : Sri G.Acharya & Associates, Advs.

Offences u/s. 7 and 13(2) read with Section 13(1)(d) of the  
Prevention of Corruption Act, 1988.

### **JUDGMENT**

Pursuant to the charge framed u/s.7 and 13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988 (hereinafter to be referred as P.C.Act), the accused has been brought to trial for having demanded and received illegal gratification of Rs.5000/- abusing his official position as a public servant.

2. The opening summation of accusation is that a women empowerment body i.e. self help group (SHG) under name and style Maa Banadurga Mission Shakti was formed in village Pitamahal. It was consisted of 10 members. Kamini Barik (P.W.11) was the President while Arati Barik (P.W.12) was the Secretary of the same. The body was entitled to avail benefit of financial assistance under Swarna Jayanti Gramya Swa Rojagar Yojana Scheme. The husband of Arati Barik P.W.13 was looking after the loan matters with bank on behalf of society.

(2-A) During the month of April, 2008, accused was functioning as Branch Manager of Utkal Gramya Bank, Subalaya branch in the district of Sonepur. His residence was the ground floor of a rented house in that locality. The above SHG group applied for loan for the purpose of goat rearing. It was sponsored by the Block. The accused sanctioned a loan of Rs.3,00,000/- to the society and disbursed Rs.50,000/- and Rs.70,000/- in two phases. For release of balance Rs.1,80,000/-, the accused on 4.4.2008 demanded complainant Rs.10,000/- bribe but later agreed to receive Rs.5000/- in his residence on 8.4.2008 from him. Being felt aggrieved, the complainant Arata Barik lodged a written report on 6.4.2008 before the S.P. C.B.I. Bhubaneswar. Basing upon that R.C. No.12 dated 7.4.2008 was registered and Sri D.K.Kabi, Inspector was entrusted with investigation. Sri Kabi decided to lay a trap and accordingly formed a trap team who congregated on 8.4.2008 at 5.30 A.M at MCL guest house, Burla. The pre-trap demonstration was undertaken. The grievance of the complainant was informed to the

witnesses. Rs.5,000/- having denomination of 47 nos. of 100 rupee notes and 06 nos. of 50 rupee notes were smeared with phenolphthalein powder. In the guest house, a pre-trap memorandum was prepared. From there, the complainant along with one witness Santosh Kumar Nayak proceeded to the residence of the accused at Subalaya in a motor cycle. The other trap team members proceeded in a vehicle but remained hide at a distance. Sri Nayak waited outside while complainant paid Rs.5000/- on asking by the accused. On getting signal, the trap team members caught the accused red handedly and took his hand wash. The tainted govt. currency notes were seized. A detection report was prepared at the spot. Accused was arrested.

(2-B) In course of investigation, the sample bottles containing the hand wash liquid were examined from the chemical analyst. The witnesses were examined. Relevant documents were seized. Sanction was obtained from the Chairman of the Gramya Bank in compliance with Section 19(c) of the P.C.Act. Inspector Sri D.K.Kabi expired. P.W.15 Sri S.K.Behera submitted police report in the form of charge sheet. The court took cognizance on 4.10.2008.

**3.** The plea of defence is denial simpliciter and false implication. In explaining the circumstances u/s.313 Cr.P.C, the accused has admitted the factum of sanctioning loan of Rs.3,00,000/- in favour of Maa Banadurga Mission Shakti and disbursement of Rs.50,000/- and Rs.70,000/- in two phases. It is stated that the society did not furnish utilization certificate for the last phase disbursed amount Rs.70,000/- given to purchase goats. Instead, they used pressure tactics

for release of the balance amount to which he did not succumb. The complainant Arata Barik gave him threatening. On the given date i.e. 8.4.2008 Arata Barik (complainant), Sudarsan Barik D.W.2 and Harihar Sahoo entered to his house, while he was in the bath room and kept money, his domestic servant protested raising shout. They kept the money on the table and ran away. He along with landlord and servant chased them but could not nab. In the mean time, C.B.I staff came and forcefully accused him to have received bribe.

Precisely the plea of the accused is that the complainant, the husband of the president D.W.2 namely Sudarsan and one Harihar Sahu stealthily kept money on the table to implicate him in a false case.

**4.** The points for determination are :

- (i) Whether accused on 4.4.2008 in Utkal Gramya Bank, Subalaya branch premise demanded illegal gratification from complainant as a motive or reward for disbursing the balance loan amount of Rs.180,000/- to Maa Banadurga Mission Shakti, Self Help Group?
- (ii) Whether accused on 8.4.2008 at his residence accepted illegal gratification of Rs.5000/- as a motive or reward for disbursing the loan amount to Maa Banadurga Mission Shakti, Self Help Group?
- (iii) Whether accused on the above date and place, by corrupt and illegal means abusing his position

as a public servant obtained Rs.5000/- from the complainant without any public interest?

(iv) Whether the sanction for prosecution of accused is valid?

**5.** In order to prove its case, prosecution has examined 15 witnesses. P.W.15 is the Investigating Officer, while P.W.7 is the Sr. Scientific Officer who has examined the hand wash solution. P.W.1, P.W.2, P.W.5, P.W.9 and P.W.10 are the bank officials, both former and present, attached to Subalaya as well as the controlling office, Sambalpur pressed to prove the procedure of sanctioning loan under the scheme to the self help group. P.W.6 is the Chairman of the Gramya Bank who accorded sanction Ext.12 for the prosecution of accused.

P.W.8 is the landlord under whom the accused was a tenant in the ground floor. P.W.13 is the complainant- decoy witness, while P.W.3 and P.W.4 are independent witnesses to the trap. P.W.14, the Police officer, was a witness to the trap too. P.W.11 and P.W.12 are the President and Secretary of Maa Banadurga Mission Shakti, SHG group.

Eighteen documents including FIR, sanction order, chemical examination report, loan application etc. are exhibited from the side of prosecution. The sample bottles containing hand wash and envelope containing tainted G.C notes are made M.O.I to M.O.IV.

Two witnesses are examined on behalf of defence, out of whom D.W.1 is the domestic servant of accused while D.W.2 stated to have accompanied the complainant on the fateful day to Subalaya. Through him the copy of FIR and

charge sheet in G.R. Case No. 2 of 2011 to prove the conduct of present complainant Arata Barik is exhibited as Ext.A.

- 6.** The president and secretary of Maa Banadurga Mission Shakti, Pitamahul as P.W.11 and P.W.12 have stated that they had applied for a loan of Rs.3 lakhs from the bank and on two phases Rs.50,000/- and Rs.70,000/- were given to them. Both of them have proved the loan application Ext.4, as well as their signatures. P.W.9 is the Manager Administration of Utkal Gramya Bank in Controlling office, Sambalpur. He had also worked as Branch Manager of Subalaya branch. He filed the copy of circular containing the scheme of Swarna Jayanti Gramya Swa Rojagar Yojana. P.W.1 was a former Branch Manager of said Gramya Bank at Subalaya and he has stated about the procedure under which loan to S.H.G could be sanctioned and released. He has stated that the application was to be sponsored by the B.D.O. and after purchase of goats, Veterinary Surgeon was required to submit a report about the health condition where after the second phase advancement and last phase loan could be disbursed. He has proved the sponsoring letter of Maa Banadurga Mission Shakti Self help group Ext.1. He has stated that on 28.12.2007 loan account No.ATL SGSY 838 was opened by accused as Manager and savings bank account no.4702 in favour of Maa Banadurga Mission Shakti SHG was opened in that branch. He has stated that 1st installment Rs.50,000/- and second installment Rs.70,000/- were released on 22.1.2008 and 12.3.2008 respectively. He has proved the vouchers and other documents from Ext.2 to Ext.7. It may be seen that Ext.7 is the photocopy of

resolution of Maa Banadurga Mission Shakti dated 1.2.2008 wherein release of 1st installment loan was discussed. The said document is a part of the loan file and in the back drop of defence plea, it carries no extra meaning. P.W.2 corroborated P.W.1 on material points adding further that loan and advances were the exclusive jurisdiction of the branch manager who personally handles the same. P.W.5 was an officer of the relevant period but attached to the controlling office at Sambalpur. He corroborating the testimony of P.W.1 and P.W.2 has stated that he was entrusted with the duties to see the actual utilization of the loan under the above scheme. These three witnesses have not stated anything about requirement of utilization certificate for release of last dose loan amount.

Nothing material is brought out to discredit the testimonies of P.W.1, P.W.2, P.W.5 and P.W.9 despite incisive and intensive cross-examination. These witnesses are credible and wholly reliable witnesses.

P.W.10 proving the signatures of the accused in the loan application has stated about seizure of some documents on 8.4.2008 by C.B.I officers.

(6-A) The reliabilities of the complainant P.W.13, his wife secretary P.W.12, P.W.11 President and the husband of president D.W.2 along with the house owner P.W.8 are crucial for both parties. Both president and secretary of SHG are not educated enough. So also the members of self help group. It is not unusual that a male member is entrusted to look after the loan affairs in the bank on behalf of the S.H.G consisting of only women. P.W.8 is a partly reliable witness

because of the fact what he has stated with regard to entry of strangers to his house which will be analyzed later on. D.W.2 who is pressed in to service to prove the conduct of complainant, turned to present the interse dispute in the functioning of the S.H.G society. The method of separating the grains from chaffs would be a legal device to decipher truth.

(6-B) The other witness like sanctioning authority (P.W.6), Police witness to the trap (P.W.14) and independent trap witnesses, P.W.3 and P.W.4 are found to have nothing to grind axe against accused. They came in response to the official direction to join in the trap party and travelled more than 100 K.Ms. There is no reason to disbelieve them. They are credible, reliable and truthful.

(6-C) The above witnesses seem to have same fiber to prove that Maa Banadurga Mission Shakti self help group, Pitamahal was given loan for the purpose of goat rearing under Swarna Jayanti Gramya Swa Rojagar Yojana Scheme and second installment Rs.70,000/- was given on 12.3.2008. It is also proved that accused while serving as Branch Manager in Utkal Gramya Bank, Subalaya branch was staying in the ground floor of a rented house in that village of which landlord was P.W.8.

(6-D) The above facts on being found established can determine the path of growth of real act of the demand and acceptance of bribe. The reliability of the witnesses being tested in the above manner, the inside worth of the evidence is to be seen to answer the points posed.

**7. ANSWER TO POINT NO.I.**

P.W.13 is the husband of Secretary of Maa Banadurga Mission Shakti self help group. He states that for release of balance amount, accused demanded Rs.5000/- from him on 4.4.2008 asking him to make payment of that bribe on 8.4.2008 at his residence in the morning hour and accordingly he submitted a written report before Supdt. of Police, C.B.I. Bhubaneswar vide Ext.16. This fact gets corroboration from Ext.16 F.I.R. P.W.12, the wife of the complainant, has admitted that her husband was looking after the loan transaction on behalf of their S.H.G. Her evidence in cross-examination explains her truthfulness that her husband was looking after the transaction with the bank on behalf of the society. P.W.11, the President of the society, has stated that as no utilization certificate was submitted to the bank, she did not ask for balance amount of the sanctioned loan and they had never authorized Sri Arata Barik to contact C.B.I. against Bank Manager. The husband of this witness is examined as D.W.2. The tone and tenor of D.W.2 do not hide that complainant had been to C.B.I alleging against branch manager. He has stated that on 7.4.2008 he accompanied complainant to Burla and on the next day i.e. on 8.4.2008 at 5.30 A.M morning he accompanied the complainant and C.B.I. Officers to reach Subalaya near the residence of accused Manager and there he was kept waiting at Subalaya bus stand. He has further stated that after a while complainant came rushing and told him to leave that place as the people were chasing him after he kept money. This witness has proved the copy of F.I.R of

the year 2011 against Arata Barik. If complainant was not within his confidence, D.W.2 would not have gone to Burla on 7.4.2008 and on next day to Subalaya where the payment took place. If this is the version of defence through D.W.2, the testimony of President P.W.11 that they had never authorized the complainant to contact the branch manager or C.B.I officers is not believable. The in-depth analysis of these witnesses P.W.11, P.W.12, P.W.13 and D.W.2 reveals that for the demand of money by branch manager, the complainant made written complaint to the C.B.I under Ext.16 on 6.4.2008 and on 7.4.2008 he had been to Burla. This evidence in best comes in a small package.

7(A) At Burla the raiding party gathered on 8.4.2008 at 5.30 A.M. The evidence of P.W.14, the police officer, P.W.3 and P.W.4 corroborating to each other proves the pre-trap exercise conducted there. The evidence of complainant P.W.13 gets full assurance from these witnesses. All of them have stated that on the direction of the I.O. Sri Kabi, two independent witnesses P.W.3 and P.W.4 were present. They were introduced with the complainant by Sri Kabi and told about the allegation and demand of bribe by accused. The complainant also disclosed about the demand of bribe. Complainant produced Rs.5000/- there having six numbers of 50 rupees G.C notes and 47 nos. of 100 rupee G.C notes. P.W.4 stated that the numbers of G.C notes were noted down in a paper Ext.8. Thereafter the said notes were smeared with chemicals and P.W.3 handled the same and his hand wash turning pink was kept in a bottle and the money was kept in the pocket of the complainant with a direction only to

handover the accused in his residence on his demand. All these witnesses have stated that pre-trap memorandum was prepared Ext.9 there and all of them signed therein. Thereafter the complainant and P.W.4 proceeded in a motor cycle while others left in a four wheeler to reach at Subalaya.

(7-B) Taking a pause from sequence, the above evidence proves that accused had not disbursed the balance loan amount till lodgment of F.I.R Ext.16 on 6.4.2008. The complainant was interacting with the accused for the loan transaction and had submitted Ext.16 FIR that accused was demanding and would accept Rs.5000/- bribe on 8.4.2008. D.W.2 supports the complainant that he accompanied him to Burla on 7.4.2008 and to Subalaya near the house of the accused on 8.4.2008 at morning. The totality of the circumstance presented by these witnesses supports the version of P.W.13 that accused had demanded Rs.5000/- for release of balance loan amount.

(7-C) The learned defence counsel vehemently urged to discard the testimony of P.W.13 on the ground that there was no written authorization by S.H.G society in his favour to look after the loan transaction and he himself has failed to name the scribe of the FIR. According to him, once the testimony of complainant P.W.13 is doubted, the demand of bribe by accused would loose its foundation.

(7-D) Keeping the above contention of the defence in view, on careful scrutiny of the evidence of the complainant P.W.13, I find that in cross-examination he has stated that he was educated up to class-V and could only read Oriya. He also admitted in cross-examination that in Mission Shakti

minutes book, he was authorized to look after the loan transaction. The written allegation made in FIR-Ext.16, commencing the legal proceeding against the accused, contains the factum of demand by accused and this fact gets corroboration from subsequent conduct of complainant and witness D.W.2. The total exercise of the pre-trap formalities and proceeding to spot cannot be disbelieved only because the complainant has failed to name the person who scribed the F.I.R in the back drop that he is educated up to class-V. Varied versions join on the major point that accused had demanded illegal gratification from complainant on 4-4-2008 to release balance dose of loan to afore said loanee SHG and agreed to accept Rs.5000/- and this is proved beyond reasonable doubt.

**8. ANSWER TO POINT NO.II.**

Complainant P.W.13 testified that after preparation of pre-trap memorandum Ext.13, he proceeded in his motor cycle with p.W.4 to Subalaya while others followed them in a four wheeler. He reached there at 8 A.M and went with P.W.4 to the residence of the accused. The CBI staff waited at place visible to the residence of the accused. At the entrance, complainant called the accused. Accused came out and standing on the verandah asked him "TUME PAISA AANICHHAKI". He replied in affirmative. Accused asked for that money. He handed over money to him. Accused counted the currency notes and entered inside. After a while, accused came out and told him that loan would be released. Thereafter he gave signal to the C.B.I staff brushing his head. C.B.I staff came and challenged the accused. Accused

could not reply. Two staffs of the C.B.I. caught hold of the hands of the accused and brought water and put some powder. Thereafter the right hand of the accused was dipped in the said water which turned red. The red colour water was kept in a bottle and sealed. Similarly, the left hand washed water was kept in another bottle. The C.B.I officer then entered inside the house with accused and witnesses and brought out the tainted money. He has further stated that P.W.3 Sanjay Kumar Bhoi had counted the notes and compared the numbers with the chit he had and numbers tallied. Thereafter C.B.I officer kept those tainted notes in an envelope and post-trap memorandum Ext.11 was prepared and he along with others signed therein. In cross-examination, he admits that pre-trap memorandum was prepared by Sri Kabi and his motor cycle in which he had travelled, was already sold. He has stated in cross-examination para-19 that he had earlier visited the house of accused in regular intervals on many occasions and the house of Govind Meher situated on the back side of the residence of the accused. He clarified that landlord Kapil Babu was staying in the up stair while the accused was staying in the ground floor and there were two approaches to the said building. He has further admitted in cross-examination para-20 that he entered the house of accused on 8.4.2008 through the back door of the house.

(8-A) The above evidence of P.W.13 gets full corroboration from independent witnesses P.W.3 and P.W.4. So also from P.W.14, a police officer. P.W.3 and P.W.4 joined in the trap team on the oral direction of their higher authorities. They

have admitted their signatures in the memorandum and described the role played by the trap laying officer Sri Kabi. Some vibrations as to whether money was found on the table or from the underneath of table cloth were felt in the testimony of P.W.3. But he has clarified the same stating that the money was kept on the table.

(8-B) At this juncture the evidence of D.W.2 that CBI officials and complainant had gone to Subalaya on same date and time cannot be ignored. That is too much information from a person of interest. The evidence of landlord P.W.8 that he saw a person from the first floor and on his query he did not disclose his identity does not run contrary to the prosecution evidence. He has stated that when he came down he saw the accused holding G.C notes in his hand and asked his servant as to who had kept that money there and thereafter they chased the person and then only when they returned without success, six persons entered the house and arrested the accused. This part of evidence of landlord P.W.8 is not believable because the cook D.W.1 contradicts the same stating that house owner called him. The description of the ground floor and the rooms as stated by cook does not tally with the description given by the landlord. Categorically cook D.W.1 in cross-examination has admitted that the ground floor is not visible to the up stair and he came to know about stranger when house owner shouted "KEA GOTE BHITARE". In ordinary course, the landlord has no occasion to doubt a person from the up stair when two occupants were available in the ground floor. This means that accused had interacted with the complainant and after receipt of money when he

went inside and the complainant came outside to give signal, the landlord had seen him. This being the scenario acceptable to the description of the house where the trap was made, it can be said that the landlord P.W.8 was not believable to the extent that he saw a stranger entering inside kept money and he chased along with others and returned unsuccessfully. Once this part of testimony is eliminated, the other part gives assurance to the complainant's evidence that accused had accepted Rs.5000/- on his verandah and handled the same for which red colour hand wash liquid was collected.

(8-C) The post-trap memorandum Ext.11 corroborates that the tainted money as stated were found and seized. The evidence of chemical examiner P.W.7 through his opinion Ext.14 gives assurance that the alleged hand wash liquid had contained phenolphthalein sodium carbonate.

(8-D) Learned counsel for accused put forth his submission that non-examination of Sri Kabi, Inspector of C.B.I. is fatal to the prosecution because as per prosecution he laid the trap and prepared the documents. Sri Kabi could not be examined being dead. P.W.15 has stated that on 22.4.2008 on the direction of the S.P. C.B.I., he took charge of this case. He has stated to have visited the spot and examined the witnesses. In this circumstance, the non-examination of Sri D.K.Kabi, Inspector CBI is not fatal.

In the case of **State of Maharashtra v. Dnyaneshwar Laxman Rao Wankhede, (2009) 15 SCC 200** it has been held that:

"16. Indisputably, the demand of illegal gratification is a sine qua non for constitution of an offence under the provisions of

the Act. For arriving at the conclusion as to whether all the ingredients of an offence viz. demand, acceptance and recovery of the amount of illegal gratification have been satisfied or not, the court must take into consideration the facts and circumstances brought on the record in their entirety."

Referring the above decision Hon'ble Apex court, in the decision reported in **AIR 2011 S.C. 608 C.M.Sharma -vr- State of Andhra Pradesh**, has reiterated that the circumstance in the entirety is to be considered for the appreciation of the evidence on record.

The same consideration is adopted here. The positive evidence from the mouth of wholly reliable witnesses cannot be said to have outweighed by non-examination of the Investigating Officer. The non-examination of the I.O is not at all prejudicial to the accused.

(8-E) The evidence of P.W.13, P.W.3, P.W.4 and P.W.14 are not crooked in the cross-examination. Presented evidence reveals that the defence plea that informant had entered inside and kept the money and ran away is not believable. It is nothing but false. Once the tainted money under M.O.IV was recovered and it is proved that accused had accepted the said amount as gratification, the presumption u/s.20 of the P.C.Act is available to be raised against accused. The defence has not rebutted such presumption in any manner. So the acceptance of illegal gratification of Rs.5000/- by accused as a motive for releasing the balance amount of loan in favour of Maa Banadurga Mission Shakti S.H.G is proved beyond reasonable doubt.

**9. ANSWER TO POINT NO.III.**

Accused was a public servant as Branch Manager of Utkal Gramya Bank, Subalaya Branch. He had authority to release last dose of loan amount but with a motive to take illegal gratification, he accepted Rs.5000/- bribe from complainant on 8.4.2008. This was a pecuniary advantage accepted by him without any public purpose. The presumption raised u/s.20 of the P.C.Act is not rebutted. The accused is guilty of offence under section 13 (2)read with sec.13(1)(d) of the P.C.Act as the recovery of Rs.5000/- under M.O.IV proves the offence of criminal misconduct.

**10. ANSWER TO POINT NO. IV.**

P.W.6 is the sanctioning authority. He was the chairman of Utkal Gramya Bank, Balangir under which Subalaya branch was coming. He has stated to have accorded sanction Ext.12 after going through the FIR , statement of the witnesses and other relevant documents. He has stated to have applied his mind to accord such sanction. Defence has not attributed any fault to the sanction order Ext.12.

In this regard law requiring previous sanction u/s. 19 of the P.C.Act is well enumerated in the decision reported **2014 Cri.L.J 930 (S.C.) C.B.I. -vrs- Ashok Kumar Agarwala.** Tested in the touchstone of that law, the sanction order Ext.1 is found valid.

In the end, what resulted is that ingredients of the offences u/s. 7 and 13(1)(d) punishable with Section 13(2) of the P.C.Act are proved beyond all reasonable doubt.

**11.** In the result, accused is held guilty of the offences under Section 7 and section 13(2) read with sec.13(1)(d) of the P.C.Act, 1988 and is convicted thereunder.

As per decision reported in **(2006) 11 S.C.C. Page-473, The State Rep. By Inspector Of .. vs A. Parthiban on 9 October, 2006**, the conviction of accused u/s. 7 and 13(1)(d) punishable u/s. 13(2) of the P.C. Act in one trial is permissible and privilege of Probation of Offenders Act is not extendable.

Special Judge, C.B.I.-II, Bhubaneswar.

Typed to my dictation and corrected by me. The Judgment is pronounced in the open court today this the 7<sup>th</sup> April, 2016.

Special Judge, C.B.I.-II, Bhubaneswar.

### **HEARING ON POINT OF SENTENCE.**

Heard the convict and the learned counsels for both parties on the point of sentence. Leniency is prayed. The punishment prescribed prior to amendment by Act of 1 of 2004 with effect from 16.11.2014 of the P.C.Act is applicable. The minimum sentence would meet the ends of justice.

The convict is sentenced to undergo rigorous imprisonment for six months and to pay fine of Rs.5,000/- in default to undergo rigorous imprisonment for one month for the offence u/s. 7 of the P.C.Act and also sentenced to undergo rigorous imprisonment for one year and to pay fine

of Rs. 10,000/- in default to undergo rigorous imprisonment for two months for the offence under Section 13(1) (d) punishable u/s. 13(2) of the Prevention of Corruption Act, 1988. The substantive sentences awarded are to run concurrently.

The period undergone as UTP be set off u/s. 428 Cr.P.C.

The seized tainted government currency notes contained in M.O. IV be returned to the Govt., if the same has not been reimbursed, the seized documents be returned from whom seized, the zimnama, if any, be cancelled and the sample bottles contained in M.Os. I to III be destroyed four months after the appeal period is over if no appeal is preferred and in the event of an appeal subject to the order of the Hon'ble Appellate Court.

Special Judge, C.B.I.-II, Bhubaneswar.

Dictated and corrected by me. Sentence is pronounced in the open court today this the 7<sup>th</sup> April, 2016.

Special Judge, C.B.I.-II, Bhubaneswar.

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

P.W.1	Jaya Kumar Pattanaik.
P.W.2	Basanta Kumar Panigrahi.
P.W.3.	Sanjay Kumar Bhoi.
P.W.4.	Santosh Kumar Naik.

P.W.5	Trinath Dehury
P.W.6	Nahin Kishore Das.
P.W.7	Bimal Chandra Purkait.
P.W.8	Kapileswar Kanara
P.W.9	Bhubaneswari PrasadMishra.
P.W.10.	Swapneswar Mishra.
P.W.11	Kamini Barik
P.W.12	Arati Barik
P.W.13.	Arata Barik
P.W.14.	Subhransu Bhusan Mishra.
P.W.15.	Srikanta Kumar Behera

**LIST OF WITNESSES EXAMINED FOR THE DEFENCE**

D.W.1.	Banambar Kabat
D.W.2.	Sudarsan Barik.

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

Ext.1.	Letter
Ext.2 series	Loan file.
Ext.3	Loan account sheet
Ext.4	Control card
Ext.4/1.	Signature of A.Patra.
Ext.5	Voucher.
Ext.5/1	Signature of A.Patra.
Ext.6	Voucher.
Ext.6/1.	Signature of A.C.Patra.
Ext.7.	Copy of resolution.
Ext.5/2 to 6/2.	Signature of P.W.2.
Ext.8.	Paper containing nos. of G.C notes.
Ext.8/1.	Signature of P.w.3.

Ext.9	Pre-trap memorandum.
Ext.9/1.	Signature of P.W.3.
Ext.10	Sketchmap.
Ext.10/1	Signature of P.w.3.
Ext.11.	Post trap memorandum.
Ext.11/1	Signature of P.W.3.
Ext.8/2	Signature of P.W.4.
Ext.9/2, 10/2 and 11/2.	Signature of P.W.4
Ext.12	Sanction order.
Ext.12/1	Signature of P.W.6
Ext.13	Copy of notification.
Ext.14.	CFSL opinion report.
Ext.14/1	Signature of P.W.7.
Ext.14/2.	Signature of CFSL Director.
Ext.15	Photocopy of circular No.1/2000.
Ext.4/2	Signature of A.C.Patra
Ext.4/3	Signature of P.W.10
Ext.4/4.	Signature of A.Barik , Secretary of Maa Banadurga Mission Shakti
Ext.16	Written report.
Ext.16/1.	Signature of P.W.13.
Ext.8/2.	Signature of P.W.13
Ext.9/3.	Signature of P.W.13
Ext.11/3.	Signature of P.W.13
Ext.17	Formal FIR
Ext.17/1	Signature of S.P.C.B.I.
Ext.8/4	Signature of P.W.14.
Ext.8/5.	Signature of P.W.14.
Ext.9/4	Signature of P.W.14.
Ext.9/5	Signature of Sri D.K.Kabi.
Ext.10/3.	Signature of P.W.14.

Ext.10/4	Signature of I.O. D.K.Kabi.
Ext.11/4	Signature of P.W.14.
Ext.11/5	Signature of D.K.Kabi.
Ext.18.	Seizure memo dated 8.4.2008.

**LIST OF DOCUMENT EXHIBITED BY THE DEFENCE.**

Ext.A	Copy of FIR and charge sheet in G.R. Case No. 2/2011 of the court of S.D.J.M. Biramaharajpur.
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**LIST OF MATERIAL OBJECTS.**

M.O.I.	Sample bottle.
M.O.II	Sample bottle.
M.O.III	Sample bottle.
M.O.IV	Envelope containing Govt. currency notes.

Special Judge, C.B.I.-II, Bhubaneswar.