

**Office of the Director Cum Addl.D.G. of Police, Vigilance, Odisha,
Cuttack.**

Circular Order No. 4 / dt. 5.12.12

Sub: Submission of Final Forms.

It has been observed that there is considerable delay in submission of Charge Sheets/ Final Forms in the Court even after the Final Orders of the competent authority have been passed and the Sanction Orders, wherever required, have been received. It appears that such delays are chronic and all pervasive across the Divisions. Consequently, the trial of the concerned cases gets inordinately delayed which adversely affects the interest of the prosecution. Since the relevant case is shown disposed of from investigation as soon as the sanction order is received and Charge Sheet form is collected by the I.O, the subsequent action actually filing the Charge Sheet/ Final Form often loses its urgency, thereby contributing to the delay.

Since, undoubtedly submission of Final Forms u/s 173 Cr.p.c. constitute an integral part of investigation, it will be legally appropriate as well as administratively expedient to classify a criminal case as "*disposed of from investigation*" only after the Final Form in that case has been received in the Trial Court. Accordingly, it is hereby ordered that the Superintendents of Police will show a criminal case as *disposed of from investigation* only after confirming from the Prosecution Inspector of the Trial Court that the Final Form of the particular case has been received in the Trial Court. This Circular will take effect from the year 2013 without fail.


Director-cum-Addl. D.G. of Police
Vigilance, Odisha, Cuttack

**OFFICE OF THE DIRECTOR-CUM- D.G. OF POLICE, VIGILANCE, ODISHA,
CUTTACK.**

Circular Order No. 3 **/V.Pro.Cell Dated** 21.02.2012

The proposal regarding deposit of seized money/cash in Vigilance cases in shape of Fixed Deposit or in Savings Bank Accounts in the name of concerned Division S.P., Vigilance was under active consideration of Government in view of the facts that under the Odisha Special Court's Act, 2006 the Govt. is duty bound to give back the confiscated property to the accused with 5% interest if it loses in the Court. Therefore, unless the seized money or property is kept in such a manner that Govt. earns at least 5% interest, it will be a burden on the State while paying back the seized property.

After careful consideration, Govt. in Finance Deptt. have passed orders, extract of which is reproduced below :

“ It would be advisable to keep the money confiscated in a fixed deposit or Savings Bank Deposit since it is difficult to monitor the deposit and interest accrual outside Government Account. It would, therefore, be prudent to deposit the amount of money confiscated in the interest bearing section of public account of the State Government at the first instance i.e. under the Head of Account- “8342- Other Deposits-102-Miscellaneous Deposits - 0095 - Misc. Deposits- 16079-Miscellaneous Deposits ”.

Interest @ 5% is to be paid on this deposit. The expenditure on interest payment is to be charged to the Head of Account- “2049-interest payment-60-interest on other obligations-701-Miscellaneous-1018-other items-23056-interest payment”. Budget provision for the purpose will be made by Finance Department on receipt of information regarding the amount deposited under the Head of Account indicated in Para 4 above from the Special Court/G.A.(Vigilance) Department.

In case the confiscation is upheld in appeal, the amount kept in the deposit account should be withdrawn alongwith interest accrued thereon and then deposited under the revenue receipt Head “0070-Other Administrative Services-01-Administration of Justice-102-Fines and forfeitures-0014-Collection of fees and fines-02102-Receipts collection by Home Department”.

If the order of confiscation of money is modified or annulled in appeal and the confiscated money is required to be refunded with interest, the amount kept in the deposit account should be withdrawn alongwith interest accrued thereon and then refunded to the person from which, it was confiscated.

The procedure suggested in the foregoing paragraphs may have to be brought out as general instructions for the concerned officials and agencies involved in the process”.

Ss.P of Vigilance Divisions will ensure timely submissions of returns to Finance Deptt. through this Directorate after deposit of confiscated money under appropriate Head of Account. In this connection, a register is to be maintained by Ss.P. of Vigilance Divn./ Cell in the following proforma :-

Sl No.	Case Ref.	Date of Confiscation	Amount of money confiscated	Date of deposit/ Head of A/c.	Date of conviction / Acquittal	Appeal preferred if any & by whom	Result	Remarks

This be brought to the notice of all concerned.

A.K. Patnaik
21.2.2012
(A.K. Patnaik)
Director-cum-D.G. of Police
Vigilance, Odisha, Cuttack

**OFFICE OF THE DIRECTOR-CUM- D.G. OF POLICE, VIGILANCE, ODISHA,
CUTTACK.**

Circular order No. 2 of 2012

Vigilance Technical Wing has been created by inducting Engineers of various ranks right from the rank of Jr.Engineer to Superintending Engineer from Works Deptt., Water Resources Deptt., Urban Development Deptt., etc. This is an integral part of the Vigilance Organization which is a premier investigation agency of the State.

The Engineers of the Vigilance Technical Wing discharge their duties as Technical Experts in respect of various enquiries and investigations as per requisition given by E.O.s & I.O.s of Vigilance Organization. It is pertinent to mention here that the Engineers of Vigilance Technical Wing whose services are utilized for technical audit, play a vital role in the process of investigation and subsequently act as important prosecution witnesses as and when the allegations are culminated in Departmental Proceedings or Criminal Proceedings in the Courts of law.

It is observed that some organizations are intending the services of Engineers of Vigilance Technical Wing for their opinion in various contract matters which have already been enquired into by Vigilance or on matters which are under enquiry by Vigilance. This can be otherwise termed as parallel enquiry conducted by the Department concerned on the self-same matter which is contradictory to the guidelines prescribed by the Central Vigilance Commission vide Para 1.8 which reads ;

“ Once a case has been referred to and taken up by the CBI for investigation, further investigation should be left to them and a parallel investigation by the Administrative Ministry/ Department Organisation should be avoided. Further action by the Deptt. should be taken up on the completion of investigation by the CBI on the basis of their report ”.

It shall not be appropriate and ethical to include the experts of Vigilance Technical Wing to be a part of any parallel enquiry or to act as a member of any external committee formed for any fact finding exercise on a matter which is already enquired or under enquiry by the Vigilance Organization, so that Vigilance Technical Wing can only focus on their technical auditing independently free from all encumbrances to attain the optimum out put in the interest of Vigilance Organisation.

A.K. Patnaik
16.2.12

(A.K. Patnaik)
Director-cum-D.G. of Police,
Vigilance, Odisha, Cuttack.

Memo No. 18410(7)V.Co.(RA),

Date: 17.2.12.

Copy to Ss.P, Vigilance, all Divisions including Cell and Co-ordination for information and necessary action. They are requested to circulate it among officers of their Division as well as Units / Squads under their jurisdiction. A copy of it be preserved in the guard file of Division as well as Units / Squads.

This may please be acknowledged.

[Signature]
A.I.G of Police, Vigilance,
Odisha, Cuttack.

Memo No. 18411(7)V.Co.(RA),

Date: 17.2.12.

Copy to D.Ss.P, Vigilance, Link (S) / Link (N) / Prosecution, Cell / Co-ord. (A) / S.Os, Crime (S) / Crime (N) for information and necessary action.

[Signature]
A.I.G of Police, Vigilance,
Odisha, Cuttack.

N10 1842(7) dt. 17.2.12.

O.D : Copy to P.A to Director, Vigilance / Sr. Stenos to I.G.P (N) / I.G.P (S) / I.G.P (C) / L.A, Vigilance / E.E, Vigilance / Guard File for information and necessary action.

Circular Order .No. 1/2012.

It has been noticed that in Disproportionate Assets cases which are registered earlier in most of the cases the property in question are being disposed off by the accused persons before the final order is passed by the Hon'ble Court.

In recent past I have ordered that the property seized by the Vigilance Officers and given in Zima to the accused person with appropriate noting that he cannot dispose off said property without orders of the Court or permission from the Vigilance Department. But in the old cases, this methodology will not apply. Hence, it is ordered that in all cases which are under trial or charge sheet has been filed in the D.A. cases necessary orders may be sought from the Government for filing attachment proceeding in the same Special Judge Court of Vigilance and insist that soon after cognizance is taken by the Court, an early order U/s. 4 of Criminal Law Amendment Ordinance, 1944 is obtained.

The property so attached, a list of this property shall be kept in the I.Os. file and Division file and a copy be given to the Directorate to be kept in the D.S.P., Link's file and this has to be updated as per the law after one year. This will be kept in a separate Register so that we can keep an eye on the activities of the accused about these properties.

It is also noticed that such order passed by the Hon'ble Court regarding the attachment is not being timely served on the accused. It should be served on the accused timely through a process server or by Vigilance personnel through proper acknowledgement so that accused can not claim that he is not aware of the fact.

A.K. Mishra
17.1.2012

**Director-cum-D.G. of Police,
Vigilance, Odisha, Cuttack.**