

**State Vs. Pramod Kumar Misra**

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**SooperKanoon Citation :** [sooperkanoon.com/532532](http://sooperkanoon.com/532532)

**Court :** Orissa

**Decided On :** Jul-21-2006

**Reported in :** 2006(II)OLR334

**Judge :** S. Barman Roy, C.J.

**Acts :** [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 340 and 341

**Appeal No. :** Criminal Appeal No. 277 of 1988

**Appellant :** State

**Respondent :** Pramod Kumar Misra

**Advocate for Def. :** None

**Advocate for Pet/Ap. :** D.K. Mohapatra, Adv.

**Disposition :** Appeal dismissed

**Judgement :**

S. Barman Roy, C.J.

1. Being aggrieved by the order dated 8.8.1988 passed by the learned Additional Special Judge, Bhubaneswar rejecting the application of the Inspector of Vigilance under Section 340 of the Code of Criminal Procedure for lodging a complaint against the respondent for giving false evidence in connection with a judicial

proceeding, the State has preferred this appeal under Section 341 of the Code of Criminal Procedure.

2. This appeal has not been preferred by any person, namely, the Inspector of Vigilance, who filed the application under Section 340, Cr.P.C. before the learned Additional Special Judge for lodging a complaint against the respondent for giving false evidence. Under Section 341, Cr.P.C. only such person whose application under Section 340, Cr.P.C has been rejected or the person against whom a complaint is directed to be made, can prefer an appeal. Therefore, at the instance of the State the present appeal is clearly not maintainable as it has not been filed by the Inspector of Vigilance.

3. Apart from the aforesaid, since the appeal was filed in this Court about 18 years' time has elapsed, it will be sheer injustice to interfere with the impugned order at this belated stage.

4. In the circumstances, the appeal is dismissed.

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