

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.20 of 2021

Samir Ranjan Nayak

....

Petitioner

Mr. Jitendra Kumar Nayak, Adv.

-versus-

Union of India

....

Opposite Party

Mr. D.K. Sahoo, Adv.

CORAM:

MR. JUSTICE S.K. PANIGRAHI

ORDER

01.02.2022

Order No.

03.

1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel for the parties.
3. In this CRLMC, the petitioner has prayed to quash the order dated 29.08.2020 passed by the learned Sessions Judge, Puri in Criminal Revision No.5 of 2020 confirming the order dated 28.07.2020 passed by the learned S.D.J.M., Puri in CrI. Misc. Case No.135 of 2020, arising out of 2(c)CC No.18 of 2020 thereby rejecting his petition filed under Section 457 of the Cr.P.C. for release of the seized articles.
4. In this case, the petitioner was arrested and forwarded to the court, for commission of the offence under Section 143 of the Railways Act. During the enquiry one CPU (assembled), one Monitor, one Keyboard, one Mouse, Printer, Mobile Phone, Diaries etc. were seized from the shop of the petitioner as per list. The petitioner filed an application under Section 457 of the Cr.P.C. before the learned S.D.J.M., Puri for release of the seized articles in his favour which was heard and rejected by the learned S.D.J.M., Puri vide order dated 28.07.2020. Being

aggrieved by the said order, the petitioner approached the learned Sessions Judge, Puri by filing Criminal Revision No.05 of 2020. Learned Sessions Judge, Puri vide order dated 29.08.2020 rejected the prayer of the petitioner confirming the order of the learned S.D.J.M., Puri. Hence, this CRLMC.

5. Learned counsel for the petitioner submits that the petitioner undertakes to abide by any condition to be imposed on him for the release of the aforesaid seized articles and documents in his favour. Accordingly, the petitioner prays for release of the aforesaid seized articles in his favour.

6. Since the investigation is going on, the said seized articles are required for investigation and also the same may be referred for examination to the forensic laboratory, at this stage, the aforesaid seized articles cannot be released in favour of the petitioner. Accordingly, this Court is not inclined to entertain the prayer of the petitioner at this stage.

7. Needless to say that once the investigation is over, the seized articles like key board, mouse, printer, visiting cards etc. except CPU and mobile phone, which are not necessary for the purpose of investigation, may be released in favour of the petitioner.

8. With the aforesaid order, this CRLMC is disposed of.

9. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide

Court's Notice No.4587 dated 25th March, 2020 and Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

BJ

