

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6637 of 2017

Virendra Kumar Choudhary *Petitioner*
-versus-
State of Orissa and another *Opposite Parties*

CORAM: JUSTICE S.PUJAHARI

ORDER
30.03.2022

Order
No.

- 04.
1. This matter is taken up through hybrid mode.
 2. This writ petition has been filed by the Petitioner challenging the order dated 14th February, 2017 passed by the Authorized Officer-cum-Assistant Conservator of Forests, Sambalpur Forest Division in C.C. No.08 of 2016-17, arising out of O.R. No.72 of 2016-17 of Padiabahal Range.
 3. Heard.
 4. Petitioner's specific case is that his Mahindra Bolero vehicle bearing Registered No.OR-16-B-1141 was stolen from the state of Chhattisgarh, but subsequently the same was seized in connection with commission of forest offence at Padiabahal in the district of Sambalpur for transporting some sal planks and proceeding under Section 56 of the Orissa Forest Act has been initiated against the driver and others. However, for the aforesaid proceeding under Section 56 of the Orissa Forest Act is being initiated and the same is yet to be concluded, the Petitioner as such filed this writ petition for interim release of his aforesaid vehicle.

5. Needless to say that release of the interim vehicle though prohibited under the statute during pendency of any proceeding either proceeding under Section 56 of the Orissa Forest Act or a criminal prosecution under the provision to Section 56 of the Orissa Forest Act. But, in the peculiar facts and circumstances of the case, this Court dispose of this writ petition giving an opportunity to the Petitioner to approach the D.F.O. concerned under Section 65 of the Orissna Forest Act for interim release of his aforesaid vehicle and in that event, it is hope and trust that considering the peculiar facts and circumstances of the case and also the fact that the Petitioner had earlier lodged an F.I.R. regarding theft of his vehicle, the D.F.O. concerned shall do the needful, if satisfied of the said factum of the vehicle of the Petitioner after theft was used in the forest offence. The D.F.O. must pass the order within a month of receipt of the certified copy of this order. If the D.F.O. decides to release the vehicle, he may keep the sufficient security to the tune of the present cost of the vehicle either in the shape of bank guarantee or cash security for release of the vehicle or such security which can be monetized to confiscate the same in the event it is held in confiscation proceeding, the vehicle is liable for confiscation, in lieu of the vehicle.

(S.Pujahari)
Judge