

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 307 of 2022

Tafaruq Hossain Khan

.... Petitioner
Mr. Sidheswar Rath, Advocate

-Versus-

State of Odisha

.... Opposite Party
Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
25.11.2022

Order No.

04.

1. In the present case, the petitioner has challenged the impugned order dated 13th July, 2021 under Annexure-3 passed by the learned Sessions Judge, Cuttack in Crl. Revision No.55 of 2021 confirming the order dated 22nd March, 2021 under Annexure-2 of the learned J.M.F.C.(City), Cuttack in Crl. Misc. Case No.2 of 2021 whereby the prayer to defreeze the bank accounts of the petitioner was refused.

2. Learned counsel for the petitioner submits that at the time of freezing of the accounts, due procedure has not been followed and that apart, the amount was received in respect of a transaction and prayer is made to defreeze the accounts since it is causing inconvenience and immense hardship to the petitioner, the fact which was lost sight of by the learned courts below while passing the impugned order under Annexure-3.

3. Learned counsel for the State on the other hand submits that an amount of Rs.55 lac was received by the petitioner during the alleged transaction by which the property was sold without taking consent from the other share holders and that the amount deposited in all accounts and therefore, the learned court below did

not commit any error or illegality in denying to defreeze the same and hence, it does not call for interference. Despite the claim of procedural lapses on the part of the I.O. while freezing the accounts, the Court is of the view that whether the accounts to be defreezed or not would depend on the final outcome of the criminal proceeding pending before the learned J.M.F.C.(City), Cuttack corresponding to Malgodown P.S. Case No.218 of 2020. In case of any such premature release of the accounts, there is a possibility that the amount deposited may be transferred or withdrawn at the instance of the petitioner. At the same time, for the continuance of proceeding, the accounts cannot be allowed remain freezed for a long period. In the above circumstances, the Court is of the opinion that since the accounts have been freezed release of which would be subject to the result of the criminal proceeding, therefore, the matter is needed to be targeted so that the trial can commence at the earliest. Such a direction is necessary considering the fact all the three accounts have been freezed and lying idle since 2020.

4. Accordingly, it is ordered.
5. In the result, the CRLMC stands disposed of with a direction to the learned J.M.F.C. (City), Cuttack to frame the charge, commence the trial and conclude the same as soon as possible in connection with G.R. Case No.1315 of 2020 preferably within a period of four months from the date of receipt of copy of the order with the findings on the seized accounts under Section 452 Cr.P.C.
6. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge