

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.546 of 2022

Akshaya Kumar Verma

....

Petitioner

Mr. R.N. Behera, Advocate

-versus-

State of Odisha

....

Opposite Party

Ms. S. Mishra, A.S.C.

CORAM:

JUSTICE B. P. ROUTRAY

ORDER
17.05.2022

Order No.

01.

1. Heard Mr. R.N. Behera, learned counsel for the Petitioner as well as Miss S.Mishra, learned A.S.C. for the State-Opposite Party.

2. The impugned orders under Annexure-4 & 5 regarding release of properties under Section 457, Cr.P.C. are relating to gold ornaments weighing 129 grams.

3. It is the case of the Petitioner, who is an accused that he had purchased gold ornaments lawfully having due money receipt. On the other hand, the informant has also raised his claim over those seized properties (gold ornaments).

4. Both the courts below considered the rival claims over the properties and observed to decide the same after getting evidence

in course of trial since it is difficult to ascertain the actual lawful owner of the properties at the present stage.

5. Upon hearing both the parties and upon perusal of the impugned orders, it reveals that there is allegation against the present Petitioner for offences under Sections 380/411, I.P.C and there are allegations that the Petitioner used to melt the stolen gold ornaments to form new ornaments for sale.

6. Keeping in view the allegations against the informant and the nature of ornaments allegedly stolen, no fault is seen in the approach of both the courts below who have observed for waiting till taking of evidence in the matter to find the real lawful owner of the properties.

7. As such, the CRLMC is dismissed.

(**B.P. Routray**)
Judge