

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.2070 of 2022

Susree Senapati Mohapatra

....

Petitioner

Mr. B.S.Tripathy,
Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P. Tripathy,
Addl. Standing Counsel

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

07.9.2022.

I.A. No.1592 of 2022

Order No.

04.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the Petitioner and learned Addl. Standing Counsel for the State.
3. The present I.A. has been filed for modification of the order dated 5th May, 2022. By the said order, this Court while granting bail to the Petitioner had, inter alia, imposed the following conditions:-

“The Petitioner shall appear before the court below on each date of posting of the case without fail. She shall furnish cash security of Rs.2 lakhs

in the form of short terms Fixed Deposit in any Nationalized Bank, which shall be pledged to the Court. In so far as the balance amount of Rs.1,50,000/- is concerned, the same shall be paid in equal monthly instalments within a period of eight months. The amount of monthly instalments shall be determined by the court below. The said deposit shall be without prejudice to the rival claims.

4. In compliance of the said order, the Petitioner deposited Rs.2,00,000/- in a short term Fixed Deposit, pledged to the Court and has also paid three instalments as fixed by the court below. In the mean time, the Petitioner also approached this Court in an application filed under Section 482 of Cr.P.C. being CRLMC No.1727/2022 for quashing of the criminal proceeding. By order dated 26th August, 2022, this Court taking note of submissions made and the facts of the case, quashed the criminal proceedings.

5. It is submitted by Mr.B.S.Tripathy, learned counsel for the Petitioner, that since the criminal proceeding has been quashed, the amount kept in fixed deposit as also the amount paid towards instalments, in all amounting to Rs.2,93,750/-(Rupees Two Lakhs Ninety Three Thousand Seven Hundred Fifty only), should be returned to him.

6. Having regard to the fact that the criminal proceeding has already been quashed, there is no reason to keep the amount pending any further. The application for modification is therefore, allowed. It is directed that on appropriate application

being filed by the Petitioner before the court below within a week, necessary orders shall be passed by the said court to release the aforementioned amount in favour of the Petitioner within a further period of two weeks.

7. The I.A. is disposed of.

8. Urgent certified copy of this order be granted on proper application.

AKB



(Sashikanta Mishra)
Judge