

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.134 of 2022

Shila Say

....

Petitioner

Mr. S.K. Panda, Advocate

-versus-

1. State of Odisha

2. Bidyadhar Dash

....

Opp. Parties

*Mr. Manoranjan Mishra,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
18.10.2022**

Order No.

02.

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner and learned counsel for the State.

This revision petition has been filed by the petitioner Shila Say in challenging the order dated 28.12.2021 passed in C.M.C. No.1/2 of 2019-17 corresponding to Special Case No.66 of 2017 by the learned Additional Sessions Judge -cum- Special Judge, Keonjhar. The said case arises out of Keonjhar Town P.S. Case No.156 of 2017.

Learned counsel for the State has obtain instruction, which is as follows:-

"With reference to the letter subject cited

above, I have the honour to report that, as information given by Sri Rajkishore Bhuyan, Special P.P., Special Court, Keonjhar that, in this case police has been submitted the charge sheet under sections 420/376/506 of the Indian Penal Code read with section 3(2)(v) of S.C. & S.T. (PoA) Act against the accused Bidyadhar Das. After completion of C.S., police has submitted all the relevant papers. In the meantime, the U.T.P. accused filed the bail application before the Hon'ble High Court. As per the order sheet of the trial Court dated 08.08.2022, it is found that the Hon'ble Court pleased to release the accused furnishing the bond of Rs.50,000/- (fifty thousand) with two local solvent sureties and he shall deposit cash of Rs.25,000/- (rupees twenty five thousand) on the date of his release with three equal installment of Rs.55,000/- (rupees fifty five thousand) with other condition but the accused did not comply the order of Hon'ble Court. In this case prosecution has examined eight numbers of witnesses out of seventeen. Informant is the P.W.1, informant mother is P.W.2 are the star witnesses of this case. According to police report this accused

involved in another two cases of cheating and one case is disposed of by the J.M.F.C., Keonjhar and accused is convicted for three years. Another case is pending before the Champua S.D.J.M. During the course of trial, Sila Say mother of the informant filed a misc. case to release seized amount i.e. Rs.33,85,400/- (rupees thirty three lakhs eighty five thousand four hundred). The misc. case is admitted by Hon'ble Court and issued notice to accused for his stand about the petition filed by the petitioner. after hearing of both the side, Hon'ble A.J.d.-cum-Special Judge to release the seized amount in favour of the petitioner with due procedure. Accordingly, this misc. case is dropped vide C.M.C. No.01/02/19 of 2017 dated 28.12.2021 and the original case vide Spl. Case No.02/66/19 of 2017 is pending and posted to 23/24.11.2022 for hearing. After getting the release order posed by the A.D.J.-cum- Spl. Judge, Keonjhar the petitioner Sila Say encash her amount."

Learned counsel for the petitioner submitted that though there was a prayer to release also the interest on the seized amount of Rs.33,85,400/- (rupees thirty three lakhs eighty five thousand four

hundred) but only the seized amount has been released but not the interest. However, it is not in dispute that the case is subjudiced for trial and the petitioner has to establish its case during trial and in the event, if succeeds and the trial Court shall consider about releasing the interest accrued on the seized amount in favour of the informant.

With the aforesaid observation, the CRLREV is disposed of.

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



RKM