

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLREV No. 142 of 2022**

***Subhalaxmi Jena***

***....***

***Petitioner***

*Mr. S.R. Mulia, Advocate*

*-Versus -*

***State of Odisha***

***....***

***Opposite Party***

*Mr. S.K. Mishra,  
Additional Standing Counsel*

**CORAM:**

**JUSTICE SASHIKANTA MISHRA**

**ORDER**

**15.12.2022**

**Order No.**  
**13.**

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. The petitioner is aggrieved by order dated 05.03.2022 passed by learned Sessions Judge-cum-Special Judge, Cuttack in Criminal Misc. Case No.24 of 2021 whereby his prayer for defreezing of two seized bank accounts was rejected. The petitioner is the Director of M/s Medilloyd Medicament Private Limited. A raid was conducted in its premises in June, 2021 in course of which several medicines believed to be spurious were recovered. In course of investigation, two bank accounts were seized and frozen. The said accounts stand in the name of the petitioner. In one account Rs.1,86,200.98/- is the balance as on 19.06.2021 and in the other a sum of Rs.13,50,587.18/- is the balance as on 14.06.2021. On specific query by this Court, the investigating agency has not been able to show any link between the money kept in the aforementioned bank accounts and the offence alleged to have been committed. The power of police officer to seize property under

Section 102 of Cr.P.C is qualified by the condition that the thing seized must have a live and proximate nexus with the offence alleged to have been committed. The decision of the Apex Court in the case of *M.T. Enrica Lexie and another v. Doramma and others*, reported in AIR 2012 SC 2134 can be referred to in this regard.

4. A reading of the impugned order reveals that learned court below has rejected the prayer simply by holding that there were huge transactions relating to the company and that both the accounts are related to business concern of the firm. It has also been held that the accounts need to be frozen for further verification in the interest of prosecution. It is evident that there has been no discussion much less any consideration of the question whether the accounts in question have any nexus with the alleged offences. The impugned order therefore, becomes vulnerable.

5. In the result, the revision is allowed. The impugned order is set aside. The matter is remitted to learned court below to consider the application filed by the petitioner under Section 457 of Cr.P.C. afresh after making necessary inquiry to be satisfied with regard to the nexus if any, between the seized bank accounts and the alleged offences. The application should be disposed of within a period of four weeks.

6. The CRLREV is accordingly disposed of.

***(Sashikanta Mishra)***  
***Judge***