

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.995 of 2022

Rabindra Mohanty

.... ***Petitioner***
Mr. K.Panda, Advocate

-versus-

The State of Odisha

.... ***Opposite Party***
Ms. Samapika Mishra, ASC

**CORAM:
JUSTICE B. P. ROUTRAY**

ORDER
28.06.2022

Order No.

- 3.
1. The Petitioner has approached this Court against the order of the learned Sessions Judge, Jharsuguda dated 20.01.2022 in Criminal Revision No. 40/2021 refusing to release his vehicle under Section 457, Cr.P.C.
 2. The facts of the case are that the Petitioner is the owner of TATA LPT 2515 (Truck) bearing Registration No. OR-19-E-2511 which was involved in Lakhanpur P.S Case No. 204 of 2021 dated 02.11.2021 corresponding to C.T Case No. 51 of 2021 for the commission of offence under Section 279, I.P.C. The vehicle of the Petitioner was seized and he filed an application under

Section 457, Cr.P.C for release of the same. Said prayer of the petitioner was rejected on the ground that the same was not insured on the date of accident, i.e. 02.11.2021, keeping in view the provisions contained in Rule 6(1) of the Odisha Motor Vehicle (Accidents Claims Tribunal) Rules, 2018.

3. The leaned Revisional Court also rejected the prayer of the Petitioner on the same ground.

4. It is submitted on behalf of the Petitioner that in the meantime he has already insured his vehicle effective from 09.11.2021 onwards. It is further submitted that the Petitioner is ready and willing to deposit the entire value for his seized Truck in cash and will also abide by any other conditions to be imposed. To this effect he has filed an affidavit dated 16.05.2022 before this Court.

5. Admittedly, no fruitful purpose would be served by keeping the vehicle detained in the police station. Thus, considering the principles stated in the case of ***Sunderbhai Ambala Desai v. State of Gujarat***, reported in (2003) 24 OCR – 444, when the Petitioner has already insured his vehicle subsequent to the date of accident and is ready to deposit entire

value of the truck in cash, no reason is found to further detain his vehicle in the police station.

6. In view of the discussions made above, the prayer of the Petitioner is allowed and the vehicle in question, i.e., TATA LPT 2515 (Truck) bearing Regd. No. OR-19-E-2511, Engine No. 697TC57ESZ125328, Chassis No. 444026ESZ117955 be released in favour of the Petitioner subject to the following conditions:

(i) the Petitioner shall produce the original registration certificate, insurance paper before the concerned police station which shall be verified properly and true attested copies thereof shall be retained by the investigating officer/IIC of the police station;

(ii) the Petitioner shall furnish security of rupees fifteen lakh in the form of bank deposit for the vehicle;

(iii) the petitioner shall keep the vehicle insured at all times till conclusion of the trial and produce the insurance certificate before the learned trial court as and when required;

(iv) the Petitioner shall not change the colour or any part of the engine and chassis number of the vehicle;

(v) the Petitioner shall furnish four photographs of the vehicle taken from different angles before taking delivery of the same;

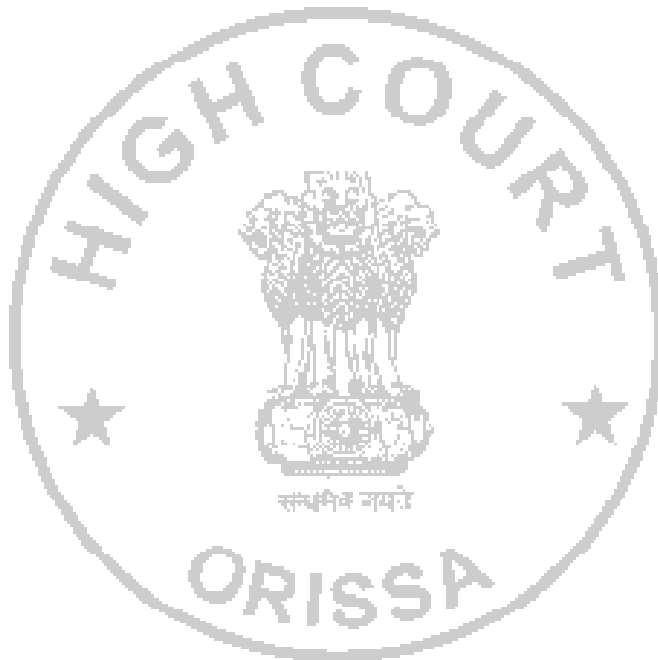
(vi) the petitioner shall not transfer the ownership of the vehicle in favour of any other person;

(vii) the Petitioner shall produce the vehicle before the Court as and when called upon;

(viii) the Petitioner shall not allow the vehicle to be used in commission of any offence.

7. The CRLMC is disposed of with aforesaid directions.

(B.P. Routray)
Judge



C.R.Biswal/Secy.