

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.299 of 2022

Kumudini Dei

.... Petitioner

Mr.S.K. Dwibedi, Advocate

-versus-

State of Odisha

.... Opp.Party

*Mrs.Susamarani Sahoo,
Addl. Standing Counsel*

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

**ORDER
10.08.2022**

Order No.

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

This revision petition has been filed by the petitioner challenging the order dated 17.06.2022 passed by the learned J.M.F.C., Ranapur in C.M.C. No.18 of 2022 in rejecting the petition under section 457 of Cr.P.C. filed by the petitioner for release of SFC 709/38 bearing registration no.OR-02-BZ-8957 in his favour.

Learned counsel for the petitioner drew the attention of this Court to the first information report wherein the vehicle number has been mentioned as OR-02-BG-9668. It is contended that initially the Investigating Officer seized the said vehicle which was released in favour of the petitioner as per order dated

22.02.2022. Learned counsel for the petitioner placed reliance on Annexure-3, which is a letter addressed by the learned J.M.F.C., Ranapur to the Inspector in-charge of Ranapur police station. It is further contended by the learned counsel for the petitioner that subsequently another vehicle of the petitioner bearing registration no.OR-02-BZ-8957 was seized without any cogent reason for which the petitioner filed the petition for release of the vehicle. It is argued that since the vehicle bearing registration no.OR-02- BZ-8957 had got no connection with this case, its seizure is illegal. It is further contended that the vehicle of the petitioner is detained in the police station being exposed to the sun and rain and therefore, in view of the decision of the Hon'ble Supreme Court in the case of **Sunderbhai Ambala Desai –Vrs.- State of Gujarat reported in (2003) 24 OCR (SC) 444**, it should have been released in favour of the petitioner.

As per order dated 19.07.2022, learned counsel for the State has obtained instruction that though initially in the F.I.R., the vehicle registration number has been mentioned as OR-02-BG-9668, but during the course of investigation, it came to light that the owner and the informant are hand in glove for which wrong vehicle registration number has been mentioned in the F.I.R. and the correct vehicle registration number is as OR-02-BZ-8957, which was accordingly seized and the said vehicle is having no insurance coverage and therefore, the learned Magistrate has rightly rejected the petition

under section 457 of Cr.P.C.

Considering the submissions made by the respective parties and taking note of the fact that the vehicle was seized in connection with the case since long and the petitioner is not an accused in the case, keeping in view the ratio laid down in the case of **Sunderbhai Ambala Desai -Vrs.- State of Gujarat** (supra), I am of the view that no useful purpose would be served in keeping the seized vehicle at the police station for a long period which being kept open is prone to fast natural decay on account of weather conditions.

Accordingly, the impugned order passed by the learned J.M.F.C., Ranpur in CMC No.18 of 2022 dated 17.06.2022 is not sustainable in the eye of law and the same is hereby set aside.

It is directed that the aforesaid vehicle bearing registration no.OR-02-BZ-8957 shall be released in favour of the petitioner subject to following conditions:-

- (i) since the vehicle is having no insurance coverage, the petitioner shall take immediate steps in that regard and ply the vehicle only after he obtains due insurance coverage and deposit the insurance coverage documents before the learned J.M.F.C., Ranpur within one month of the release of the vehicle.
- (ii) the petitioner shall produce the original registration certificate before the concerned police station which shall be verified properly

and true attested copies thereof shall be retained by the investigating officer/I.I.C. of the police station;

- (iii) the petitioner shall furnish property security worth of Rs.1,00,000/- (rupees one lakh);
- (iv) the petitioner shall keep the vehicle insured at all times till the conclusion of the trial and produce the insurance certificates before the Trial Court as and when required;
- (v) the petitioner shall not change the colour or any part of the engine and chassis numbers of the vehicle;
- (vi) the petitioner shall furnish two photographs of the vehicle before taking delivery of the same;
- (vii) the petitioner shall not transfer the ownership of the vehicle in favour of any other person;
- (viii) the petitioner shall produce the vehicle before the Court as and when called upon;
- (ix) the petitioner shall not allow the vehicle to be used in the commission of any offence.

Accordingly, the Criminal Revision petition is disposed of.

Issue urgent certified copy as per Rules.

(S.K. Sahoo)
Judge