

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

**CRLREV No.313 of 2022**

***Jayakrushna Dalabehera* .... *Petitioner***

*Mr. S.K. Dwibedi, Advocate*

*-versus-*

***State of Odisha* .... *Opp. Party***

*Mr. Arupananda Das*  
*Addl. Government Advocate*

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

**ORDER  
26.07.2022**

**Order No.**

01. 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 24.06.2022 passed by the learned J.M.F.C., Ranapur in C.M.C. No.23 of 2022 arising out of G.R. Case No.424 of 2021 in rejecting the petition under section 457 of Cr.P.C. filed by the petitioner for release of Bolero Pickup FB 1.25T BSIV PS bearing registration No.OD-25F-6883 in his favour.

Learned counsel for the petitioner submitted that the main ground of rejection seems to be that the accident took place on 17.12.2021 and on that day, the vehicle had no insurance coverage. Learned

counsel for the petitioner further submitted that now the vehicle is having insurance coverage from 31.03.2022 to 30.03.2023. He further submitted that if on the date of accident, there was no insurance coverage of the vehicle and if any compensation is awarded by the Tribunal, then the owner would be liable to pay the same to the family members of the deceased but that cannot be a ground not to release the vehicle in favour of the petitioner, particularly when at present the vehicle has insurance coverage. 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**, the vehicle should be released in favour of the petitioner.

Learned counsel for the State opposed the prayer for release of the vehicle.

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 Criminal Misc. Case No.23 of 2022 dated 24.06.2022 is not sustainable in the eye of law and the same is hereby set aside.

It is directed that the aforesaid vehicle shall be released in favour of the petitioner subject to following conditions:-

(i) the petitioner shall produce the original registration certificate, insurance papers 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;

(ii) the petitioner shall furnish property security worth of Rs.1,00,000/- (rupees one lakh);

(iii) 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;

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

(v) the petitioner shall furnish two photographs of the vehicle 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 the commission of any offence.

Accordingly, the Criminal Revision petition is disposed of.

**( S.K. Sahoo )**  
**Judge**