

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1531 of 2021

Satrughna @ Satrugan Prasad Gupta **Petitioner**
Mr.Milan Kanungo, Senior Advocate
and Mr.Sidhartha Das, Advocate
-Versus-

State of Odisha **Opposite Party**
Mr. Tapas Ku.Praharaj, SC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
26.10.2022

Order No.

- 07.
1. Heard Mr. Kanungo, learned Senior Advocate assisted by Mr. S.Das and Mr. Praharaj, learned Standing Counsel for the State.
 2. Instant petition under Section 482 of Cr.P.C. is filed at the behest of the petitioner assailing the impugned order dated 2nd December, 2020 passed by the learned SDJM, Bargarh in Criminal Misc. Case No. 96 of 2020 arising out of C.T. Case No. 348 of 2020 and confirmed by the learned Sessions Judge, Bargarh in Criminal Revision No. 3 of 2021 vide order dated 8th July, 2021 which is with regard to custody of the seized cash of Rs. 28 lac on the grounds stated therein.
 3. Perused the F.I.R., a copy of which is at Annexure-1. In fact, after the F.I.R. was lodged, Bargarh Town P.S. Case No. 140 of 2020 was registered under Sections 468 & 471 IPC besides other offences including Section 52(a) of the Orissa Excise Act and during and in course of investigation, cash of Rs.28 lac was seized from the

possession of the petitioner which is sought to be released in his interim custody subject to execution of bond and furnish of security.

4. On the last occasion, this Court by order dated 10th October, 2022 had directed Mr. Praharaj, learned counsel for the State to cause production of the case diary for its perusal.

5. Mr. Kanungo, learned Senior Advocate submits that there has been proper explanation offered with regard to cash of Rs. 28 lac seized from the possession of the petitioner and that apart, he refers to a report of the I.O., according to which, the cash which is seized was no more required for the purpose of further investigation. In fact, the certified copies of the F.I.R., statements of the witnesses recorded under Section 161 Cr.P.C. besides the said report of the I.O. dated 28th November, 2020 have been produced by the learned counsel for the petitioner while seeking interim custody of the alleged cash and the same as perused. In fact, the I.O. informed the learned court below during investigation that the cash so seized from the house of the petitioner was no more required for investigation purpose.

6. Mr. Kanungo, learned Senior Advocate submits that the petitioner should be provided the interim custody of the cash seized during investigation subject to him furnishing a property security which would serve the purpose and meet the ends of justice morefully when the investigation is over resulted in submission of chargesheet in the meantime.

7. Mr. Praharaj, learned counsel for the State on the other hand submits that the explanation which has been offered by the petitioner is not satisfactory and the cash of Rs. 28, lac was in fact

seized from the possession of the petitioner. According to Mr. Praharaj, since the seizure has been made from the conscious possession of the petitioner, the alleged cash should not be released in his favour. However, having regard to the fact that the investigation stands concluded and chargesheet is filed and that apart, the cash is lying idle, the Court is of the view that it should be released in favour of the petitioner, as an interim measure, subject to furnish of a security as has been suggested by Mr. Kanungo, learned Senior Advocate.

8. Accordingly, it is ordered.

9. In the result, CRLMC stands disposed of with a direction to the petitioner to furnish a property security of Rs. 28 lac in connection with C.T. Case No. 348 of 2020 before the court of learned SDJM, Bargarh and on furnishing such a security, the seized cash shall be released in his favour subject to other conditions as would be fixed by the learned court below.

(R.K. Pattanaik)
Judge