

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.443 of 2022

Nagen Kumar Barik

....

Petitioner

Mr. B. Pujhari, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. P. Tripathy, A.S.C.

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

04.11.2022.

Order No.

03.

1. This matter is taken up through hybrid mode.

2. Pursuant to order dated 18th October, 2022, Smt. Jhelam Jena, Deputy Superintendent of Police, CID, Crime Branch, Cuttack has filed an affidavit on 27th October, 2022, wherein the details of transfer of money from the accounts of the Petitioner-informant to other accounts has been indicated in a tabular form. It is stated that in three accounts that have been frozen, the balance is 'nil' whereas in the other five accounts a sum of Rs.6,29,797.62 is available, out of which a sum of Rs.3,48,040/- was transferred from the informant's accounts to the said accounts. On further query by the Court Smt. Jena, who is personally present, submits that the money deposited in

the said accounts was further transferred to other accounts, which is being investigated.

3. On query as to what could be the objection in releasing the admitted amount in favour of the Petitioner-informant, Smt. Jena is unable to give a clear-cut reply.

4. Learned counsel for the Petitioner submits that in view of the affidavit filed on behalf of the prosecution, there can be no objection to the release of at least the undisputed amount in favour of the informant.

5. Mr.P. Tripathy however submits that investigation is still in progress and though there is proof that the amount in question has been transferred from the accounts of the informant yet, it would not be proper to release the amount in his favour at this stage.

6. Considering the rival submissions and in particular the affidavit filed by the Investigating Officer, this Court finds that out of the total amount available in five frozen bank accounts, a sum of Rs.3,48,040/- appears to be the undisputed amount, which has been transmitted from the informant's accounts.

7. In such view of the matter, I am inclined to allow the prayer of the Petitioner to direct release of at least the undisputed amount of Rs.3,48,040/- in his favour. The CRLREV is therefore allowed. The impugned order under Annexure-3 is set

aside. The Court below is directed to pass necessary orders to disburse the sum of Rs.3,48,040/- from the five frozen bank accounts in favour of the Petitioner on such terms and conditions as it may deem fit and proper to impose.

8. The CRLREV is accordingly disposed of.

AKB

(Sashikanta Mishra)
Judge

