

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLREV No.372 of 2021

SK. Mansoor @ SK. Mansur ***Petitioner***
Mr. Manoranjan Mishra, Advocate
-versus-
State of Odisha ***Opposite Party***
Mr. S.K. Mishra, ASC

CORAM:
JUSTICE S.K. PANIGRAHI

ORDER
12.01.2022

Order No.

7. 1. The matter is taken up through video conferencing mode.
2. Heard learned counsel for the petitioner and learned counsel for the State.
3. This criminal revision is directed against the order passed by the learned Sessions Judge, Kendrapara on 23.07.2021 in Criminal Revision No.9 of 2021.
4. Learned counsel for the petitioner prays for modification of the order dated 23.07.2021, wherein the learned Sessions Judge while confirming the order of the NGN-JMFC, Rajnagar on 01.03.2021 in Criminal Misc. Case No.34 of 2021, arising out of 2(b)CC Case No.64 of 221, directed the present petitioner, to furnish a fixed deposit of Rs.5,00,000/-.
5. The contention of learned counsel for the petitioner is that learned Sessions Judge, Kendrapara has revised the order of learned NGN-JMFC, Rajnagar in the aforesaid case. The

learned NGN-JMFC, Rajnagar vide order dated 01.03.2021 was inclined to release the Trawler and its accessories in favour of the present petitioner, as an interim measure till disposal of the case, by furnishing cash security of Rs.30,000/- and indemnity bond of Rs.10,00,000/- with one solvent surety equivalent to the bond amount with some conditions.

6. The State preferred Criminal Revision No.9 of 2021 against the order of learned NGN-JMFC, Rajnagar passed in the aforesaid case before the learned Sessions Judge, Kendrapara seeking revision of the order passed by the said magistrate.

7. Having heard the learned counsel for the parties, the learned Sessions Judge, Kendrapara modified the condition imposed by the learned Magistrate and directed the petitioner to furnish a fixed deposit of Rs.5,00,000/- in his favour and same shall not be released till disposal of the case confirming other part of the order.

8. The present petitioner is aggrieved by such order with respect to deposit amount of Rs.5,00,000/-. Learned counsel for the petitioner pleads that the petitioner does not have sufficient money to deposit such a huge amount during the Corona period. In view of his inability to deposit the aforesaid amount, the petitioner sought for modification of the order, especially with regard to deposit of money, by way of the present petition.

9. Considering the aforesaid submission and the facts of the case, the order passed by the learned Sessions Judge, Kendrapara in the order impugned imposing condition of deposit of sum of Rs.5,00,000/- is modified to the extent that the petitioner shall deposit a sum of Rs.3,00,000/-(Rupees Three lakhs) and the same shall not be released till disposal of the main case. The remaining part of the order dated 23.07.2021 passed by the learned Sessions Judge, Kendrapara shall remain unaltered.

10. The criminal revision is disposed of.

11. As the restrictions due to resurgence of Covid-19 are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the Advocate concerned with his/her seal, in the manner prescribed vide Court's Office Order dated 7th January, 2022.

(S.K. Panigrahi)
Judge

pcd