

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.440 of 2020

Santosh Lohras

.... ***Petitioner***
Mr.S.S.Ray-2,Advocate

-versus-

State of Odisha

.... ***Opp.Party***
Mr.K.K.Nayak, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.03.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned Additional Standing Counsel.
3. The present revision application has been filed under section 401 of the Code of Criminal Procedure whereby the application filed under section 457 Cr.P.C. for release of the vehicle seized in connection with 2(a) C.C.case No.474 of 2020 has been rejected by the learned S.D.J.M., Sundargarh.
4. It is submitted by the learned counsel for the Petitioner that since the date of seizure the vehicle is lying in the Police Station open to sun and rain for which the condition of the vehicle is deteriorating from day to day. In such view of the matter, a prayer is made by the Petitioner that the vehicle be released in favour of the Petitioner with the condition that he will produce the vehicle as and when required by the Court in seisin over the matter.

5. Learned Additional Standing Counsel on the other hand submits that confiscation proceeding in M.C.No.128 of 2020 has already been initiated and the same is at the feg end of the proceeding and has submitted that the official witnesses have already been examined in this case.

6. Although this revision was filed on 17.11.2020, the same could not be taken up for all times. However today this matter is taken up and while considering the prayer for release of the vehicle, learned counsel for the State submits that since the confiscation proceeding is at the feg end of trial the vehicle should not be released till conclusion of the confiscation proceeding and in the event the vehicle is released there will be delay in disposal of the confiscation proceeding.

7. Considering the aforesaid submissions of the learned counsel for the parties, the present revision is disposed of with a direction to the Authorized Officer-cum-Superintendent of Excise, Sundargarh to make all endeavour to dispose of the confiscation proceeding in M.C. 128 of 2020 as expeditiously as possible preferably within a period of one month. In the event the confiscation proceeding is not concluded within one month hence, it is open for the Petitioner to move a fresh application for release of the vehicle and in the event such an application is moved, the same shall be considered in accordance with law.

8. With the aforesaid observation, the CRLREV is disposed of.

