

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2056 of 2021

Dr. Sunil Kumar Rath

....

Petitioner

Mr. D.K. Sahu, Advocate

-Versus-

State of Odisha

....

Opposite Party

Mr. T.K. Praharaj, SC

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

16.11.2022

Order  
No.

09.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. In the instant case, the petitioner invoking inherent jurisdiction this Court challenged the impugned order dated 21<sup>st</sup> August, 2021 passed in C.T. Case No.598 of 2020 whereby release of vehicle by an application under Section 457 Cr.P.C. was rejected.
3. Learned counsel for the petitioner submits that the original documents of the vehicle towards ownership could not be produced before the learned court below as all the documents had been in the vehicle that was seized by the local police although seizure of same was not shown in the seizure list, a copy of which is at Annexure-2. It is further submitted that the petitioner approached the learned court below under Section 457 Cr.P.C. demanding release but the same was refused by the impugned order under Annexure-1 which was on the premise that there is no document to support the ownership of the vehicle in question.

4. Learned counsel for the petitioner filed an additional affidavit and claimed that in the meantime, information under the RTI Act was obtained and annexed a copy of the Registration Certificate so received by him indicating therein the petitioner's ownership vis-à-vis the seized vehicle bearing registration No.WB-02N-8457. The seizure is in respect of the four wheeler i.e. Fiat Palio Car in respect of which the petitioner claims for release on the ground that he is the owner of the same.

5. Mr. Praharaj, learned counsel for the State submits that the learned court below did not commit any error or wrong in denying release of the seized vehicle since the petitioner did not have papers to show about his ownership in respect thereof, hence, the impugned order under Annexure-1 calls for no interference.

6. At present by way of additional affidavit which is at Flag-B the petitioner could able to submit information received under the RTI Act as to the Registration Certificate issued in favour of HIM and on such ground, a prayer is made for direction to the learned court below for release of the vehicle in terms of Section 457 Cr.P.C pending enquiry and trial.

7. In the considered view of the Court having regard to the claim of the petitioner that he is the owner and in that respect, a copy of the Registration Certificate appended to the additional affidavit is produced which is of course being obtained under the RTI Act, he should be provided an opportunity afresh to approach the learned court below by making an application for release of the seized vehicle which would serve the purpose and meet the ends of justice.

8. Accordingly, it is ordered.

9. In the result, CRLMC stands disposed of with a direction to the learned S.D.J.M.(S), Jharsuguda to consider release of the seized vehicle bearing registration No. WB-02N-8457 in connection with Brajaraj Nagar P.S. Case No.107 of 2020 on receiving necessary information from the petitioner which he has obtained under the RTI Act as annexed to the additional affidavit copy of which shall be produced before the court for its perusal and if necessary to hold an enquiry, call for a report from concerned RTO and then to pass order in respect thereof as per in accordance with law.

10. A copy of the above order be issued to the learned counsel for the petitioner forthwith. Furthermore, a copy as well be sent to the learned court below for immediate compliance since the seized vehicle lying with the local police and the learned S.D.J.M.(S), Jharsuguda shall do well to expedite disposal of the matter as soon as possible preferably within a fortnight from the date of receipt of the copy of the above order and any case not later than 9<sup>th</sup> December, 2022 keeping in view the settled law on the subject.

**(R.K. Pattanaik)**  
**Judge**

TUDU