

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3450 of 2022

Bijay Kumar Pradhan

.... **Petitioner**
Mr. C. Swain, Advocate

-Versus-

State of Odisha

.... **Opposite Party**
Mr. S.S. Mohapatra, ASC

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
05.12.2022

Order
No.
01.

1. Heard learned counsel for the petitioner and learned counsel for the State.
2. Prayer in the present case is for de-freezing the accounts of the petitioner seized in connection with Barkote P.S. Case No.304 of 2017 corresponding to C.T. Case No.683 of 2017 pending in the file of learned S.D.J.M. Deogarh on the grounds stated therein.
3. Copy of the chargesheet is at Annexure-1 and the same is perused by the Court.
4. Learned counsel for the petitioner submits that accounts have been seized by the local police on 19th November, 2017 without complying Section 102 Cr.P.C. and therefore, it is illegal and hence, order should be passed to defreeze the same. It is claimed that the petitioner was not privy to the alleged transaction and he is not directly involved with regard to the mischief said to have been committed during and in course of which an amount of Rs.15 lac

was received by another accused and in that connection, the FIR was lodged by the informant being the real beneficiary. On the above ground, learned counsel for the petitioner submits that since he was not involved or having not received the payment, the accounts could not have been seized and that too when, there has been non-compliance of Section 102 Cr.P.C.

5. Mr. Mohapatra, learned counsel for the State on the other hand submits that for other accounts, the petitioner had approached this Court and it was allowed but in respect of the present accounts he did not approach the learned court below and in the meantime there has been chargesheeted and hence, he should move the court concerned by making an application in that regard. The aforesaid contention of Mr. Mohapatra, learned counsel for the State is not challenged. The Court is of the view that since he has not applied to the learned court below after the submission of chargesheet a copy of which is at Annexure-1, the petitioner should be granted liberty to apply for de-freezing accounts for consideration of the learned court below which would rather be proper and justified.

6. Accordingly, it is ordered.

7. In the result, CRLMC stands disposed of with a liberty allowed in favour of the petitioner to make an application before the court of learned S.D.J.M., Deogarh in connection with C.T. Case No.683 of 2017 corresponding to Barkote P.S. Case No.304 of 2017 for de-freezing the accounts seized in connection with the case in 2017 and in the event, any such application so moved by him, the learned court below shall consider the same and pass appropriate order thereon as expeditiously as possible preferably within a week from the date of receipt of a copy of the above order.

8. Urgent certified copy of this order be granted as per rules.

(R.K. Pattanaik)
Judge

TUDU

