

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2710 OF 2021

Akshaya Mohanty @Akashya Mohanty *Petitioner*
Mr. Pradipta Beura, Adv.

-versus-

State of Odisha *Opposite Parties*
Mr.D.Mund,AGA

CORAM:
JUSTICE V. NARASINGH

ORDER
29.03.2022

Order No.

02.

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the Petitioner and learned counsel for the State.
3. Being aggrieved by the order dated 23.07.2021 passed by the learned Additional Sessions Judge, Athgarh in Crl. Revision No. 04 of 2021 confirming the order dated 15.04.2021 of the learned S.D.J.M., Athgarh in Criminal Misc. Case No. 15 of 2021 arising out of C.T. Case No. 599 of 2020, thereby rejecting the application of the Petitioner for release of the seized vehicle bearing No. OR-14-R-7377, this Court has been moved in this CRLMC under Section 482 Cr.P.C.

4. Learned counsel for the Petitioner relies on the judgment of this Court in case of **Nabaratna @ Nabaratan Agrawal and Another vrs. State of Odisha**: reported in (2022) 85 OCR 793

5. On perusal of the order passed by the courts below, it is seen that both the courts are relied upon the judgment reported in the case of **Ramakrushna Mahasuar vrs. State of Odisha**: reported in (2021) 81OCR 635.

6. The judgment relied upon by the learned counsel for the Petitioner, i.e., **Nabaratna @ Nabaratan Agrawal and Another** (supra), taking note of the judgment relied upon the impugned order had distinguished the order of this Court in Ramakrushna's case (supra) and directed for release of the vehicle therein on furnishing of security in terms of Rule-6 of the Orissa Motor Vehicles (Accidents Claims Tribunal Rules, 2018).

7. On going through the factual matrix of the case at hand this Court is of the considered opinion that the interest of justice will be sub-served if the matter is remitted back to the court of learned SDJM, Athgarh for fresh consideration in terms of the judgment of this Court referred to above in (2022) 85 OCR 793.

8. The order passed by the learned S.D.J.M. at Annexure-2 and the revision order passed by learned Additional Sessions Judge at Annexure-3 are set aside.

9. The CRLMC thus disposed of.

10. Urgent certified copy of this order be granted on proper application.

(V.Narasingh)
Judge

