

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.535 of 2021

Ashok Kumar Saha

....

Petitioner

Mr. B.P. Satapathy, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Karunakar Gaya, ASC

CORAM:

JUSTICE S.K. PANIGRAHI

ORDER

24.01.2022

Order No.

02.

1. The matter is taken up through video conferencing mode.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. In this criminal revision, the petitioner assails the order dated 03.12.2021 passed in G.R. Case No.306 of 2004 by the learned SDJM, Kendrapara.

4. The learned counsel for the petitioner submits that the offending vehicle, which belongs to the petitioner, seized by the concerned police. The petitioner filed a petition under Section 451 read with Section 457 of the Cr.P.C. before the learned SDJM, Kendrapara, *inter alia*, with prayer for releasing the vehicle and the original documents, which was rejected vide order dated 10.06.2004.

5. Then, the petitioner challenged the said order before this Court by way of filing CRLREV No.382 of 2004. This Court

vide order dated 30.07.2004 set aside the order dated 10.06.2004 and directed to release the vehicle in the zima of the petitioner on furnishing security bond and guarantee of Rs.4,00,000/- and cash deposit of Rs.10,000/-.

6. Learned counsel for the petitioner submits that for the last 16 years, the trial has not been commenced in the present case. He further submits that by virtue of orders dated 30.07.2004 and 27.08.2013 of this Court, the petitioner is continuing in zima of the vehicle. He further submits that the petitioner has filed an application before the learned SDJM, Kendrapara seeking to revoke the zimanama and for releasing personal bond taken from him pursuant to order dated 27.08.2013. The learned SDJM, Kendrapara without appreciating the averments made in the petition rejected the said prayer.

7. In view of such facts and circumstances, learned counsel for the petitioner prays for quashing the order dated 03.12.2021 passed in G.R. Case No.306 of 2004. He further wants to surrender the vehicle and get the security bond furnished by him before the learned Magistrate.

8. It is apparent from the record that the vehicle has been released in favour of the petitioner on certain terms and conditions imposed by this Court. It is further apparent that this Court vide order dated 27.08.2013 in Misc. Case No.1019 of 2013, permitted the petitioner to furnish personal bond of Rs.4,00,000/- in place of security bond and guarantee as

directed vide order dated 30.07.2004. The petitioner filed I.A. No.167 of 2020 in disposed of CRLREV No.382 of 2004 with a prayer to modify the order dated 30.07.2004 and 27.08.2013 and to permit him to transfer/sale the vehicle in question.

9. At this juncture, the learned counsel for the petitioner submits that the petitioner wants to get back his security bond in lieu of surrendering the vehicle in question.

10. Since the trial has not been commenced for such a long time, the prayer of the petitioner is allowed. The order dated 03.12.2021 passed in G.R. Case No.306 of 2004 is hereby quashed.

11. Let the security, bond and cash surety be released in his favour on proper application provided he surrender the vehicle in question.

12. The CRLREVE is disposed of.

13. 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

ped