IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No. 254 of 2026

Sambhu Kumar Sahu …. ***Petitioner***

Mr. S. Ray, Sr. Advocate

-versus-

State of Orissa …. ***Opposite Party***

Mr. S. Panigrahi, ASC

CORAM: JUSTICE V. NARASINGH

ORDER
10.04.2026

Order No.

01. 1. Memo of appearance filed by learned Senior Counsel, Mr. Ray on behalf of the Petitioner is taken on record.

2. Name of Mr. Ray, learned Senior Counsel for the Petitioner be reflected in the file, cause list as well as web portal of this Court.

3. Heard learned Senior Counsel for the Petitioner and learned counsel for the State.

4. Being aggrieved by the judgment dated 24.02.2026 passed in Criminal Misc. Case No.43/384 of 2025 by the learned 2nd Additional Sessions Judge, Rourkela, Sundargarh rejecting the prayer of the Petitioner-informant under Section 497 of the BNSS corresponding to Section 451 of the Cr.P.C. for release

of gold ornaments, the present criminal revision has been filed.

5. It is submitted that the Petitioner as informant instituted Rourkela Plantsite P.S. Case No.430 of 2023 alleging that three unknown persons came in a bike and stabbed one Pradeep Kumar Soni by means of a knife and snatched his bag containing 856.880gms of gold ornaments and one gold chain weighing about 21.700gms, which was purchased by Pradeep Soni for the jewellery shop of the Petitioner.

6. On the basis of the same, investigation was taken up and accused was taken into custody and is facing trial.

7. During the currency of trial, the Petitioner made an application for release of the gold ornaments seized and since the same was rejected earlier by the learned S.D.J.M. Panposh, assailing same Petitioner moved this Court in CRLMC No.43 of 2025.

And, by order dated 11.02.2025 this Court granted liberty to the Petitioner to move a fresh application along with ownership documents before the Trial Court seeking release of the gold ornaments.

8. It is the submission of the learned Senior Counsel for the Petitioner that in spite of adequate materials having been produced regarding the ownership, notwithstanding the identification of the same in the TI parade, adopting a queer logic that the

TI parade was conducted belatedly and there is discrepancy in the seizure list and the items seized, the learned Court in seisin has passed the impugned order.

And, hence, it is submitted that the impugned order is liable to be set aside and the Petitioner is entitled to the gold ornaments.

9. Learned Public Prosecutor, Mr. Panigrahi opposes such prayer and submits that the gold ornaments are subject matter of trial and they ought to be secured till the conclusion of trial. It is further submitted that in the event of the accused being acquitted, there is every possibility that he may claim for possession of the seized gold ornaments. Any order for release is likely to lead to complications and avoidable multiplicity of litigation and also may be prejudicial to the interest of the accused facing the trial.

10. Per contra, it is submitted by the learned Senior Counsel for the Petitioner that even assuming that trial concludes in acquittal, there is no hard and fast rule to that the ornaments will be released in favour of the accused.

11. Taking into account the rival submissions in the light of the judgment of the Apex Court **Sunderbhai Ambalal Desai vs. State of Gujarat, (2002) 10 SCC 283** and implication of acquittal of the accused, balancing competing claim(s), on conclusion of trial,

this Court is persuaded to hold that interest of justice would be subserved if the value of the gold ornaments in question, **as identified in TI parade**, is evaluated as per the current market price by a certified valuer. And, on the Petitioner depositing the amount as determined by such evaluation, the gold ornaments as above shall be released in his favour.

12. The process of such evaluation shall be conducted under the supervision of the Registrar of the Court in seisin of the matter.

Necessary police protection shall be provided for such process of evaluation.

13. The amount so deposited by the Petitioner shall be deposited in a bank account of any nationalized bank in an interest bearing account till conclusion of trial. The principal amount along with accrued interest shall abide by the final outcome of the trial.

14. Learned Court in seisin is requested to complete the exercise at an early date.

15. Accordingly, the CRLREV stands disposed of.

(V. Narasingh)
Judge

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Signature Not Verified
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Signed by: SANTOSHI LENKA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 11-Apr-2026 13:47:44