



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRL. REV. No.69 of 2026

Madana Mukhi

...

Petitioner

Mr. M. Das, Advocate

-versus-

State of Orissa

....

Opposite Party

Mr. S. Panigrahi, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

23.02.2026

Order No.

02.

1. Heard learned counsel for the Petitioner and learned counsel for the State.
2. This Criminal Revision has been preferred assailing the order dated 01.11.2025 passed by the learned Ad-hoc Addl. Dist and Sessions Judge(FTSC), Kandhamal, Phulbani in Crl. Misc. Case No.01 of 2025 whereby the prayer of the Petitioner for release of his motor cycle bearing registration number OD-12C/3429 stated to be involved in an offence under Section 395/ 458/ 376(DA) of IPC r/w Section-4(2)/6 of the POCSO Act and U/s.25/27 of Arms Act in C.T. Case No.34 of 2024 arising out of Phiringia P.S. Case No.107 of 2024 has been rejected.
3. During the course of deliberation it is seen that in the meanwhile trial is completed and the vehicle



has been confiscated. The relevant part of the order dated 01.11.2025 is impugned herein:

"XXX XXX XXX

.....In the meantime the case has been disposed of on 29.10.2025. The order has been passed regarding the disposal of properties seized in connection with this case including the present motor cycle. The order has been passed to confiscate the seized motor cycle to the State after the appeal period is over. In view of such, the present petition has no merit at this stage.....

XXX XXX XXX"

4. In view of the same, the CRLREV is disposed of as not maintainable.

5. It shall be open to the Petitioner to prefer an appeal, if so advised and on the oral prayer of the learned counsel for the Petitioner, this Court is persuaded to hold that since under an erroneous belief, the Petitioner has preferred the revision, in exercising the power under Section 442(5) of the BNSS. For convenience of ready reference Section 442(5) of the BNSS is extracted hereunder:

"XXX XXX XXX

442. High Court's powers of revision.—

(1) to (4) xxxx.

(5) Where under this Sanhita an appeal lies but an application for revision has been made to the High Court by any person and the High Court is satisfied that such application was



made under the erroneous belief that no appeal lies thereto and that it is necessary in the interests of justice so to do, the High Court may treat the application for revision as a petition of appeal and deal with the same accordingly.

xxx xxx xxx"

Registry is directed to treat this revision as an appeal and number the same accordingly and place it before the designated Court.

(V. NARASINGH)
Judge

Soumya