



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.126 of 2026

Sunita Maharana

....

Petitioner

Mr. D. K. Mishra, Advocate
(Amicus Curiae)

Mr. D. Panda, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. A. K. Pati, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

25.02.2026

Order

No.

02.

1. Heard learned counsel for the Petitioner and learned counsel for the State.

2. Assailing the order dated 18.12.2025 passed by the learned S.D.J.M., Paralakhemundi, Gajapati in Misc. Case No. 66 of 2025 rejecting the prayer of the Petitioner for release of the firecrackers in her favour, the present Criminal Revision has been preferred.

3. It is noted that in rejecting the prayer of the Petitioner, the learned Trial Court relied on the Explosives Act, 1884 as well as the Rules framed thereunder i.e. Rules 7 and 84 of the Explosives Rules, 2008 (Rules, 2008).

4. It is submitted by the learned counsel for the Petitioner that while passing the impugned order, the



learned Court lost sight of the fact that the firecrackers are susceptible to quick decay and hence the direction to dispose of the said crackers through public auction in depositing the sale proceeds in the Gramin Refundable Account, would result in a huge loss to the Petitioner.

5. The learned counsel for the State referring to the Explosives Act, 1884 as well as the Explosives Rules, 2008 framed thereunder submits that there is no infirmity in the order, warranting interference.

6. Taking into account the implications in considering the prayer, this Court requested Mr. D.K. Mishra, Senior Member of the Bar to assist the Court as an Amicus Curiae on account of his wealth of experience in this field. And, he has been gracious enough to accept such request.

7. It is submitted by the learned Amicus Curiae referring to the order dated 08.06.2015 in the case of ***K. Baskar Vs. State by The Inspector of Police Virudhachalam Police Station Cuddalore District*** passed by the Hon'ble High Court, Madras in ***Crl. Rev. Case No. 326 of 2015***, that in the given facts of the present case, the crackers can be released in favour of the Petitioner, subject to imposition of conditions, which will ensure compliance with the Explosives Act, 1884 and Explosives Rules, 2008 and such direction not only will be in accordance with law but would be just in the given facts of the present case.



8. Learned public prosecutor Mr. Panigrahi places reliance on the Judgment of the Apex Court in the case of **Arjun Gopal and others vrs. Union of India and others** reported in **(2019) 13 SCC 523** more particularly paragraph-48.4 thereof.

For convenience of reference the said paragraph is extracted hereunder:-

"48.4. The sale shall only be through licensed traders and it shall be ensured that these licensed traders are selling those firecrackers which are permitted by this order."

9. Considering the rival submissions and taking into account that the firecrackers are subject to decay, this Court feels that ends of justice will be subserved, in directing the firecrackers in question to be released in favour of the Petitioner, who shall ensure that the same is sold to a licensed trader, whose details shall be furnished to the Court and the sale proceeds are deposited in the learned Trial Court, if the same has not been put to public auction in terms of the impugned order in the meanwhile.

The exercise relating to such sale as above shall be completed within a period of two weeks, from the date of release of the firecrackers.

Any violation of the aforesaid stipulations shall be treated as violation of the order passed by this Court



and such violation shall be brought to the notice of this Court, for further action to be initiated.

The sale proceeds so deposited before the learned Trial Court shall be kept in an interest-bearing account and shall abide by the outcome of the trial.

9-A. It is further stipulated that;

- i. The Petitioner shall not raise any dispute with regard to the weightage of the firecrackers and identification of the same in future, during the Trial.
- ii. The entire seized firecrackers shall be photographed and videographed in such a manner that the contents of cartoons are visible with respect to the batch number, nature of the firework and other requisite details, so that such photographs/ video(s) may be marked as evidence during the course of trial of the present case before the Trial Court.

10. Accordingly, the impugned order is set aside and the criminal revision stands disposed of. This Court places on record its sense of appreciation for the efforts of learned Amicus Curiae.

(V. NARASINGH)
Judge

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