



**ODISHA POLICE
CRIME BRANCH
CRIMINAL INVESTIGATION DEPARTMENT**

POLICE CIRCULAR ORDER NO. 372 /2017

SUB:- DISPOSAL OF MAL ITEMS.

It has come to notice that a large number of properties are kept lying in Malkhana of the Police Stations even after disposal of the concerned cases. Besides that, certain unclaimed properties seized by Police are also kept and being subjected to decay without proper identification and tagging.

The police officials must adhere to the mandate of Sec. 102 Cr.P.C with regard to seizure and disposal of property.

Every police officer should report seizure of any property which may be alleged or suspected to be a stolen property or when the property has been seized under circumstances creating a suspicion of commission of any offence, to the Magistrate within whose jurisdiction the aforesaid seizure is made and on receipt of the same, the Magistrate concerned may initiate a Misc. case with regard to the property and dispose of the same in accordance with the mandate of Sec. 457 & 458 Cr.P.C.

In order to streamline the process of disposal of mal items, the SsP of the Districts are called upon to sensitize the IICs and other field Police functionaries to take timely proactive steps for disposal of such properties. The SsP shall also personally liaise with the Judicial/Executive Magistrates for disposal of the pending mal items so as to reduce the backlogs in the Malkhana.

All Range IGP/DIGP shall monitor the steps taken by the SsP quarterly and shall take timely reviews in their respective Range to materialize the drive.

1. When the value of property (seized u/s 102(1) Cr.P.C) is less than ₹ 500/- and the property is subject to speedy and natural decay, police officer shall conduct auction of such property with the order of the Superintendent of Police by observing laid down procedure (as per Sec. 457 & 458 Cr.P.C), vide Sec. 102(3) Cr.P.C.
2. "Power to sell perishable property" :- If the person entitled to the possession of such property is unknown or absent and the property is subject to speedy and natural decay, or if the Magistrate to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, or that the value of such property is less than five hundred rupees, the Magistrate may at any time direct it to be sold; and the provisions of sections 457 & 458 Cr.P.C shall, as nearly as may be practicable, apply to the net proceeds of such sale. (u/s 459 Cr.P.C)

3. (a) Police shall follow procedure u/s 457 Cr.P.C for release of the property with the order of the Court for pending trial cases.
- (b) Consequent upon final disposal of the case by the Trial Court, property seized in the case should be disposed of in accordance with order of the Court u/s 452 Cr.P.C without undue delay, if no appeal is filed against the Judgement.
4. (a) In case, any unclaimed property is seized by Police and entered into the Malkhana Register, due publicity should be made in print/electronic media including Notice in conspicuous places of the Police Station area and in the entire district in order to ascertain the claimant of the properties. The Enquiring Officer should also take appropriate steps to know the owner/claimant of the properties.
- (b) If there is no claimant to the property, without any undue delay the said property should be disposed of with leave of the concerned Executive Magistrate in accordance with the mode directed by the Magistrate. (u/s 458 Cr.P.C)
5. SsP shall have to ensure that the Judgements passed by the Courts directing disposal of the property should reach the Police station level for timely disposal of the mal items.
6. The cases ending in final reports for some reasons or the other involving seizure of property has to be taken care of by the I.O. While submitting the Final Report before the Court, the I.O shall make a separate prayer as regards disposal of the mal item and it

is incumbent upon him to avail copy of the order and to ensure disposal of the mal item.

7. In this regard, monthly reviews shall be made by all SsP and figures should be submitted to the CID, Crime Branch, Odisha, Cuttack.
8. The matter regarding disposal of mal items shall be taken up by SsP with the District Judge/CJM & District Magistrate during the Monthly Senior officers/ PMC meetings.


(Dr. R. P. Sharma)

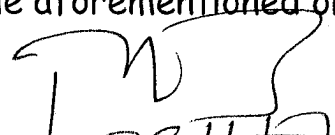
Director General & Inspector General of Police,
Odisha, Cuttack

Memo No. 41930 /CID-Pros.

Date 30/11/2017

Copy forwarded to:

- Commissioner of Police, Bhubaneswar-Cuttack, Bhubaneswar/ADGP, Railways, Odisha, Cuttack/ IGP, EOW/STF, Bhubaneswar /All Range Is.G.P./D.Is.G.P.
- All district SsP including, SsRP Cuttack/ Rourkela & DCsP Bhubaneswar/Cuttack , SsP CID, CB/ STF/ EOW with a request to ensure strict implementation of the aforementioned orders.


(Dr. R. P. Sharma)

Director General & Inspector General of Police,
Odisha, Cuttack

Address- Buxibazar, Cuttack-753001. Tel- 0671-2304834

Fax: 0671-2304659, email : dgpodisha.orpol@nic.in