

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Crl R No. 06/2023

UT of J&K

.....Petitioner(s)/Applicant(s)

Through: Mr. Raman Sharma, AAG with
Ms. Saliqa Sheikh, Advocate.

vs

Parveen Pandoh & Ors.

.....Respondent(s)

Through: Mr. Rahul Raina, Advocate.

CORAM: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
30.09.2026

CrlM No. 189/2023

01. By this application condonation of 191 days' delay that has crept in filing the Criminal Revision Petition against the order dated 23.05.2022, has been sought.

02. For the reasons stated in the application, the same is allowed. Consequently, the delay of 191 days crept in filing the Criminal Revision Petition is condoned.

03. The application stands disposed of accordingly.

Criminal Revision Petition, Crl R No. 06/2023, is taken on board.

04. The present criminal revision petition has been preferred by the petitioner thereby challenging order dated 23.05.2022, hereinafter for short impugned order, passed by the learned Special Judge, Anti-Corruption, Jammu, [“ the trial court”] in the application titled *Parveen Pandoh & Anr. vs. State through Sr. Superintendent of Police, Vigilance Organisation, Jammu (now Anti-Corruption Bureau)* in case FIR No. 14/2010 of P/S VOJ (now ACBJ) for the commission of

offences punishable under and in terms of Section 5(1)(e) read with Section 5(2) of the Prevention of Corruption Act, Svt. 2006, by virtue of which the application for release of certain articles moved by the respondents/ applicants therein has been allowed and the articles as mentioned in the order have been released in favor of the holders/applicants therein.

Factual Matrix

1. A case bearing FIR No. 14/2010 came to be registered at P/S VOJ (now ACBJ) against respondent no. 1-public servant, namely, Parveen Pandoh, the then Executive Engineer, SIDCO, Bari Brahmana, Jammu, on 07.05.2010 to investigate into the allegations of possession of assets disproportionate to his known sources of income. It had been alleged in the FIR that respondent No. 1, by indulging in corrupt and illegal practices, had amassed a huge wealth in the form of movable and immovable properties, disproportionate to his known sources of income. The respondent no. 1 had also been alleged to have deposited huge investments in the names of his relatives in various ventures. On the basis of the oral and documentary evidence collected during the course of investigation, the assets disproportionate to the known sources of income possessed by respondent No. 1 were worked out as Rs. 28,47,37,396/-. Accordingly, the investigation in the case was concluded as proved against respondent No. 1 under Section 5(1)(e) read with Section 5(2) of the J&K Prevention of Corruption Act, Svt. 2006. The requisite sanction for launching prosecution against respondent No. 1 was accordingly obtained and the challan came to be produced before the competent court of law for trial against respondent No. 1.

2. It is stated that respondents herein preferred an application for release of the seized articles as well as for defreezing the bank accounts mentioned in the

application belonging to the applicants, which were seized/frozen during the course of investigation. It was also stated in the application that the seized items were no longer required by the prosecution and the applicants/respondents herein would submit an undertaking that they would not dispose of the articles mentioned therein.

3. The operative portion of the order passed in the said application dated 23.05.2022, by the learned Special-Judge (Anti-Corruption), Jammu, for facility of reference, is taken note of as under:—

“(i) the bank accounts noted in sub-para 1 of Para 3 of the application;

(ii) gold items weighing 73 grams noted in clause (a) of sub-para 2 of Para 3 of the application;

(iii) gold items weighing 60.14 grams noted in clause (a) of sub-para 3 of Para 3 of the application; and;

(iv) LIC Policies No. 140235744 and 141633412 in the name of respondent No. 1, noted in item No. (i) of sub-para 4 of Para 3”

4. The petitioner has challenged the impugned order *inter alia* on the grounds that release of the items mentioned above, which are part of the case property, is against the provisions of law in general and against the mandate of the provisions of Prevention of Corruption Act, in particular. It is further stated that only four out of 71 listed prosecution witnesses had been examined by the prosecution by the date the present revision petition was filed.

5. Mr. Raman Sharma, learned AAG, has stated that the trial court has committed an error by directing defreezing of the bank accounts and release of the gold items along with the LIC policies without incorporating any express condition there against.

6. Mr. Rahul Raina, learned counsel representing the respondents, has stated that application was preferred by the respondents herein on account of the fact that applicant No. 1 had retired from government service and, since he had not received any post retiral benefits, he sought release of the articles, gold ornaments weighing 313 of grams and the defreezing of four bank accounts as he was in dire need of money and gold ornaments. However, the learned trial court has only released two bank accounts and gold items weighing 133 grams. He is further stated that the items which were directed to be released in terms of the impugned order have not been released in favour of the applicants and, as such, are still lying with the Court of learned Special Judge (Anti-Corruption), Jammu.

7. Heard learned counsel for the parties and perused the material on record.

8. In the application filed before the trial court, the respondents had categorically stated that they would produce the articles whenever required by the Court. However, the impugned order dated 23.05.2022 does not record or stipulate any such undertaking.

9. Accordingly, the impugned order dated 23.05.2022 is modified to the following extent:

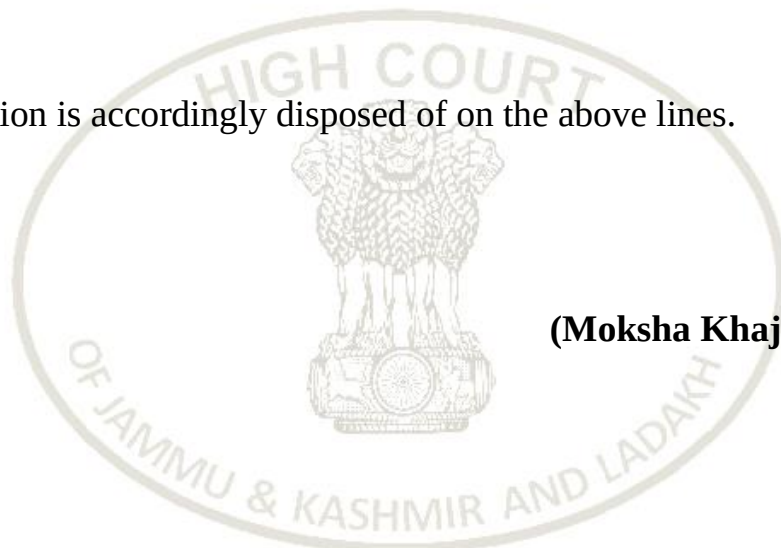
“The following shall be released in favour of the respondents:

- (i) the bank accounts noted in sub-para 1 of Para 3 of the application;
- (ii) the gold items weighing 73 grams, noted in clause (a) of sub-para 2 of Para 3 of the application;
- (iii) the gold items weighing 60.14 grams, noted in clause (a) of sub-para 3 of Para 3 of the application; and
- (iv) LIC Policy Nos. 140235744 and 141633412 in the name of respondent No. 1, noted at item (i) of sub-para 4 of Para 3 of the application.
- (v) The release is subject to the following conditions:
 - (a) the respondents shall furnish an undertaking on affidavit before the trial court that they will produce the articles as and when required by the Court;

- (b) the respondents shall not alter the nature of the articles released in their favour; and
- (c) the respondents shall be free to operate the said bank accounts, but shall maintain proper description of all withdrawals made therefrom, and, in the event the proceedings are decided against them, shall be liable to restore/ pay to the extent of the amount lying in the said accounts on the date of freezing, as directed by the Court; and
- d) the respondents shall not close the said accounts, and shall not surrender, assign, or allow to lapse the LIC policies, and shall keep them in force until further orders of the Court.

10. The trial court shall give effect to the above directions, and the undertaking as well as the compliance of the above conditions shall be filed/ monitored before the trial court.

11. The petition is accordingly disposed of on the above lines.



(Moksha Khajuria Kazmi)
Judge

Jammu
30.09.2026
Abinash

Whether the order is speaking: Yes