

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 72 OF 2015

IN

CRIMINAL APPEAL NO. 42 OF 2014

MR.CHAITANYA PRAKASH AUDICHYA.	... Applicant
Versus	
STATE/CBI/GOA, THROUGH ITS PUBLIC PROSECUTOR.	... Respondent

Mr. Ryan Da Piedade Menezes, Advocate for the applicant/appellant.
Mr. J. Vaz, Special Public Prosecutor for the respondent.

Coram:- C. V. BHADANG, J.

Date:- 15th April, 2015

P.C.

Heard Shri Menezes, the learned Counsel for the applicant/appellant and Shri Vaz, the learned Special Public Prosecutor for the respondent.

2. The applicant has been convicted for the offence punishable under Section 13(1)(e) read with Section 13(2) of Prevention of Corruption Act, 1988 and sentenced to undergo Imprisonment for two years and to pay fine of Rs.50,000/- and in default, to undergo Simple Imprisonment for six months, which is the subject matter of challenge in Criminal Appeal No.42/2014.

3. Criminal Miscellaneous Application no.72/2015 is filed with a prayer that all the properties of the appellant/ applicant, seized/ attached during the course of investigation, be released and returned to the applicant and all the Bank accounts of the applicant with

various Banks, be defrozen.

4. It is submitted that similar application is filed before the learned Special Judge. However, no orders could be obtained thereon as the matter was pending before this Court in appeal.

5. Reply filed by the respondent shows that it has no objection for granting relief.

6. However, it is the common submission that the documents seized are before the learned Special Judge and the learned Special Judge would be in a better position to pass appropriate orders, imposing appropriate conditions, having regard to pendency of Criminal Appeal.

7. In such circumstances, by consent, the application is disposed of. It will be open for the learned Special Judge to decide the application filed by the appellant/ applicant, on hearing the parties, in accordance with law.

The parties to act on an authenticated copy of this order.

C. V. BHADANG, J.

SMA