

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CRIMINAL REVISION CASE No.291 of 2015

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ORDER:

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Aggrieved by the order dated 02.02.2015 passed in CrI.M.P.No.36 of 2015 in C.C.No.531 of 2014 on the file of the Judicial Magistrate of First Class, Mydukur wherein and whereunder an application under Sections 451 and 457 Cr.P.C. seeking return of cash of Rs.2,40,000/- said to have been seized from the petitioner was rejected, the present revision is filed under Sections 397 and 401 Cr.P.C. A charge sheet came to be filed in Crime No.107 of 2014 of Duvvur Police Station, registered against the petitioner for an offence punishable under Section 171 (E) IPC.

The averments in the charge sheet are as under:

On 04.05.2014 at about 11.30 p.m. when LW.2 assisted by LW.1 and some other staff proceeded to Main Bazaar, Pedda Singanapalli village, in connection with the general elections for MLA and MP scheduled to be held on 07.05.2014, they found the accused holding cash and addressing the villagers to receive Rs.1,000/- cash each for the purpose of casting their votes in favour of candidates belonging to a particular political party. LW.2 along with LW.1 surrounded and detained the accused. On interrogation, the accused revealed his identity and confessed that he is offering money to the villagers of Pedda Singanapalli for the purpose of securing their votes in favour of a particular candidate belonging to a particular political party. The police are said to have seized cash of Rs.2,40,000/- under police proceedings drafted at the spot. In respect of the said search and seizure, a case in Crime No.107 of 2014 of Duvvur Police Station

came to be registered under Section 171 (E) IPC after obtaining permission from the concerned Magistrate since the offence under Section 171(E) IPC is non-cognizable. After completing the investigation the police filed the charge sheet. While things stood thus, the petitioner herein filed an application under Sections 451 and 457 Cr.P.C. seeking return of cash of Rs.2,40,000/- seized from his possession which was dismissed. Aggrieved by the same the present revision is filed.

Learned counsel for the petitioner submits that the petitioner is having lands to an extent of Ac.0.79 cents in Sy.No.246/1, Ac.1.37 cents in Sy.No.112/1, Ac.1.65 cents in Sy.No.211/3, Ac.0.41 cents in Sy.No.212/3, Ac.0.50 cents in Sy.No.214/1 and Ac.3.40 cents in Sy.No.214/2 of Madirepalle revenue village and he raised gingili crop in his land. He further submits that after selling the gingili crop to one Mahaboob Basha of Pedda Singanapalli (V) on 04.05.2014 for Rs.2,40,053/- he was carrying the cash which was seized by the police. He also submits that he has nothing to do with any political party and the money seized from him belonged to the sale proceeds of gingili crop. He further submits that he will be put to irreparable loss if the money is not returned to him.

On the other hand, the learned Public Prosecutor opposed the revision contending that there is no material available on record to show that the said money seized from the petitioner is the sale proceeds of gingili crop. He submits that in the absence of any proof it may not be proper to release the money in favour of the petitioner.

Though the petitioner in his petition alleged that he is owning huge extent of land in different survey numbers but no scrap of paper is filed to prove the same. The petitioner did not make any effort to file the sale deeds showing his ownership over the land, leave alone filing documents showing sale of the crop raised in the said land. The material on record further discloses that the petitioner is involved in an offence under the Excise Act and is also an accused in Crime No.130 of 2013 of Duvvur Police Station registered for an offence

punishable under Section 34 (a) of the Excise Act. Learned Public Prosecutor on instructions submits that a rowdy sheet was also opened against the petitioner in the year 1998. Merely because the money is recovered from the petitioner and in the absence of any rival claimants, it cannot be said that he is entitled to possession of the same. In a case of this nature, the question of rival claimants, contesting the claim of the petitioner would not arise. It is for the petitioner to explain under what circumstances he is in possession of such huge money and the circumstances under which he is carrying the money. In the absence of any explanation, I do not find any illegality in the order passed by the trial Court.

Accordingly, the Criminal Revision Case is dismissed. The trial Court is advised to take all possible steps for disposal of the case as expeditiously as possible, preferably within a period of six (06) months from the date of receipt of a copy of this order.

Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE C. PRAVEEN KUMAR

22.04.2015

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