

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4210 OF 2014

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ORDER:

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This Criminal Petition is filed under Section 482 of Cr.P.C. by the petitioner seeking to quash the order dated 24.6.2013 in CrI.M.P.No.626 of 2012 in C.C.No.12 of 2013 on the file of Special Judge for SPE & ACB Cases, Vijayawada City, Vijayawada in respect of item No.8 of Annexure-II pertaining to the petitioner herein. By the impugned order, the Court below made absolute the interim order of attachment dated 31.7.2012 in respect of property shown in Annexure I to IX.

The petitioner herein is the third party to the impugned proceedings. His grievance before this Court is that while passing the order of attachment, the trial court failed to issue notice to the petitioner herein, who is owner of open plot bearing No.4, situated in Sy.No.42/3, admeasuring 342 sq.yds. at Hydershah Kote Village, Rajendra Nagar Mandal, R.R.District, described as item No.8 of Annexure-II. According to the petitioner, he is the owner of the said open land covered by item No.8 of Annexure-II and that he gave the said property for development to M/s.Sukriti Constructions vide document bearing No.3513/2007 under which, the petitioner is entitled to 40% of the built up area being the owner's share. In all, he is entitled to 5 flats therein. Hence, it is his grievance that the trial Court ought to have issued a notice to him even before passing the impugned order. The further grievance of the petitioner is that he is not aware of the attachment proceedings and hence, he prayed this Court to direct the trial Court to hear the petitioner herein as far as the said property is concerned and to pass appropriate order.

In the facts and circumstances of the case, the petitioner

herein is directed to file a fresh application with the similar relief sought for before this Court within one month from today and the trial Court is directed to consider the same and pass appropriate orders on or before 23rd December, 2015 after hearing the parties.

The Criminal Petition is disposed of accordingly.

Consequent thereto, the Miscellaneous Petitions, if any, shall stand closed.

JUSTICE RAJA ELANGO

10.09.2015

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