**HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**CRIMINAL REVISION CASE No.2597 OF 2014**

**ORDER:**

Heard the learned counsel appearing for the petitioner/third party and the learned Standing Counsel appearing for first respondent/A.C.B.

The present Revision is filed aggrieved by an order dated 28.11.2014 passed in Crl.M.P. No.421 of 2014 in Crime No.8/ACB.CR.I/2014 by the Principal Judge for SPE and ACB Cases-cum-IV Additional Chief Judge, City Civil Courts, Hyderabad, wherein and whereunder an application filed by the third party under Sections 451 and 457 Cr.P.C. seeking de-freezing of bank account bearing No.20035198070 of State Bank of India, Amberpet Branch, Hyderabad, was rejected.

The gist of the case is as under :

The second respondent herein who is the father of the petitioner was prosecuted in Crime No.8/ACB.CR.I/2014 for an offence punishable under Section 13(1)(e) read with Section 13(2) of the Prevention of Corruption Act, 1988. During the course of the search, passbooks of several bank accounts were found and were freezed for the purpose of investigation. The petitioner, who is the daughter of the accused was holding a Savings Bank Account bearing No.20035198070 at State Bank of India, Amberpet Branch, Hyderabad. Since huge amount of money was transferred from 21.03.2011 till the date of search, the said account was freezed as the transfer of amounts needs to be investigated. An application filed for de-freezing the said account was rejected by the trial court. Challenging the same the present Revision is filed.

The learned counsel appearing for the petitioner mainly submits that the account maintained by her with S.B.I., Amberpet branch is having credits of the amounts deposited by her out of her own earnings as an employee and with the gifts received from her brother V.Srikanth who is staying in the U.S.A. It is urged that the accused herein has nothing to do with the amount lying in her Bank account and the act of freezing her account has put her to great inconvenience. It is also contended that the investigating agency has not followed the procedure under Section 102 Cr.P.C. before freezing the account. The Standing Counsel for A.C.B. filed counter opposing the same.

As seen from the record, the second respondent/accused is prosecuted for an offence punishable under Section 13(1)(e) read with Section 13(2) of the Prevention of Corruption Act. The total disproportionate as on the date of search was found to a tune of Rs.98,58,824/-. A perusal of the impugned order and the material on record show that substantial amounts were deposited into the bank account of the petitioner within short intervals and all the deposits appear to have been made by one V.Srikanth, who is the brother of the petitioner. The other deposits which are made contribute to a small amount and the same may not be of much relevance. But one fact which remains to be noted is that the crime was registered in the year 2014 and as on 30.03.2014 the amount lying in the Bank was only Rs.82,997.10ps. The substantial amount of money which was transferred/sent by Srikanth to the account of the petitioner herein was already withdrawn. Therefore, no purpose would be served in defreezing the account. The said fact of amount being withdrawn is not disputed by the learned Standing Counsel for A.C.B. But, he only submits that the case is still at the stage of investigation and it would improper to defreeze the account at this stage. It is true that the investigation is still pending but freezing the account **would**

**necessary if** substantial amount which was transferred from third parties to the account of the petitioner is still lying in the account. When amounts are already withdrawn much prior to freezing the account and when only a paltry sum of Rs.82,000/- is lying in the account, there is no point in freezing the account. Further, the impugned order itself credit of some amounts in the pass book of the petitioner towards payment of salary by Izen Bioscience Private Limited, Nacharam, Uppal Mandal, Ranga Reddy District, who is her employer. In view of the above, it may not be necessary for this Court to go into the other issue as to whether the agency has followed the mandatory requirement of Section 102 Cr.P.C. Hence, the request of the petitioner to operate her S.B. account can be considered.

Accordingly, the Criminal Revision Case is allowed ordering defreeze of the Savings Bank Account bearing No.20035198070 at State Bank of India, Amberpet Branch, Hyderabad which stands in the name of the petitioner.

As a sequel to it, miscellaneous petitions pending if any in this Criminal Revision, shall stand closed.

**C. PRAVEEN KUMAR, J**

Date: 20.03.2015

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