

*** HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO**

+ CRIMINAL PETITION No.6525 OF 2015

% 23-07-2015

Manovarthi Sreenivas

....Petitioner

Vs.

\$ The State of Andhra Pradesh,

rep., by Public Prosecutor ... Respondent

!Counsel for the petitioners : Sri K.Sarvabhuma Rao

Counsel for the Respondents: Learned Public Prosecutor for A.P.

<Gist :

>Head Note:

? Cases referred:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.6525 OF 2015

ORDER:

This Criminal Petition is filed by the petitioner/A2 under Section 482 Cr.P.C seeking to quash the order dated 10.02.2015 in CrI.R.P.No.133 of 2014 in CrI.M.P.No.4022 of 2014 passed by the Special Judge for trial of SC & STs Court-cum-X Additional District & Sessions Judge, East Godavari District at Rajahmundry.

Heard the learned counsel for the petitioner and the learned Public Prosecutor (Andhra Pradesh) for the State.

The petitioner is A2 in crime No.266 of 2014 registered for the offence punishable under Sections 171-E & 188 I.P.C. and Section 123 of the Representation of People Act, 1951 of Bommuru Police Station, East Zone, Rajahmundry Urban.

Perused the F.I.R. and other material including the impugned order of the learned Sessions Judge.

The petitioner herein filed CrI.M.P.No.4022 of 2014 in the above said crime for interim custody of cash of Rs.1,94,69,500/-, which was seized by the Inspector of Police, Bommuru, on 04.05.2014 at 9.30 p.m. during general elections of 2014, while the petitioner along with other accused were traveling in Duster Car bearing No.AP 31 VHT/R 0176 at Morampudi Centre, Rajahmundry town. The learned Magistrate dismissed the same. Hence, the petitioner preferred the revision before the Sessions Judge and the same was allowed on the condition of furnishing of bank guarantee issued by the Nationalized Bank for a sum of Rs.1,94,69,500/-. Aggrieved by the same, this criminal petition is filed.

The petitioner claimed that return of cash as belongs to him there was an order of the Magistrate saying that the petitioner approached Income Tax Authorities instead of the police in this regard and thereby there are no grounds to ask for return of cash; the learned Sessions Judge passed the impugned order holding that as per the information furnished by the revision petitioner from the Income Tax Authorities show that the cash was accounted for and it was not an unaccounted cash, thereby it can be refunded subject to execution of a bank guarantee for the value of the amount.

It is the submission of the learned Public Prosecutor that there is nothing to interfere with the impugned order passed by the learned Sessions Judge; if at all the petitioner wants return of cash he has to furnish bank guarantee so as to secure the amount pending disposal of the case covered by the crime, subject to final order under Section 452 Cr.P.C.

A perusal of the material on record shows more particularly, from the contention of the petitioner that he is ready to comply with the condition but for the difficulty which is onerous and practically it is locking of the amount in asking of Nationalized Bank guarantee for taking of the amount. This Court feels that ends of justice sub serve instead of 'bank guarantee', to furnish 'immovable property security' by execution of bonds on Rs.100/- stamp paper in favour of the trial Court for return of the amount of the value of the said cash.

Accordingly, this Criminal Petition is disposed of by modifying the revision order dated 10.02.2015 in Crl.R.P.No.133 of 2014 in Crl.M.P.No.4022 of 2014 passed by the Special Judge for trial of SC & STs Court-cum-X Additional District & Sessions Judge, East Godavari District, instead of 'bank guarantee' as 'furnish bond with immovable property security for Rs.2,00,00,000/- (Rupees Two crores only)' for return of said cash of Rs.1,94,69,500/- by deposit of original title deeds with the bond.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:23-07-2015

pab

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

CRIMINAL PETITION No.6525 OF 2015

Between:

Manovarthi Sreenivas

... Petitioner

and

The State of Andhra Pradesh,

Rep. by its Public Prosecutor

... Respondent

DATE OF JUDGEMENT PRONOUNCED: 23-07-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? Yes/No

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals? Yes/No

3. Whether Their Ladyship/Lordship wish to Yes/No
see the fair copy of the Judgment? Yes/No