

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1153 OF 2014

-
ORDER:

-
This Criminal Revision Case is filed by the petitioners-third parties challenging the orders of the Judge, Special Court for Trial of ACB Cases in Rayalaseema Region at Kurnool dated 28.4.2014 in CrI.M.P.No.178 of 2013 in C.C.No.69 of 2013 whereby the learned trial judge made absolute the ad interim attachment of the properties of accused officer, his wife and three daughters.

The facts of the case are as follows:

First petitioner herein is the wife and petitioners 2 to 4 are the daughters of the accused officer who is facing trial in C.C.No.69 of 2013 for owning assets disproportionate to his known sources of income. Pending the trial, the officials of Anti-Corruption Bureau filed CrI.M.P.No.178 of 2013 seeking ad interim attachment of the accused officer, his wife and three daughters (petitioners herein). By the impugned order, the trial Court made absolute the interim attachment that was ordered on 26.8.2011. Hence, the present revision by the petitioners herein.

The main contention of the learned counsel for the petitioners herein is that the petitioners are not the accused in the C.C. It is further submitted that even much prior to the filing of the charge sheet, the petitioners 2 to 4 are majors and they are working as software engineers, that the accounts stand in the names of the individuals and the amounts deposited in the said accounts are their legitimate income. He submitted that he is confining his arguments only to the extent of movable properties that stand in the names of the petitioners herein. It is further

submitted that at the time of conclusion of the trial, if the trial Court comes to the conclusion that those amounts are also ill-gotten money of the accused officer, the petitioners are ready to give an undertaking before the trial Court to the effect to deposit the said amount before the Court at the time of conclusion of trial.

Per contra, the learned Special Standing Counsel appearing for the respondent objected to the request made by the petitioners herein and he mainly contended that the revision itself is not maintainable in view of the provisions of the Criminal Law (Amendments) Acts & Ordinance and the same is liable to be dismissed.

Heard and perused the material available on record.

This Court is of the view that as against the order passed by the trial Court attaching the properties of an accused under the provisions of Criminal Law (Amendments) Acts & Ordinance, normally, an appeal will lie. However, since the revision is pending from 2014, this Court is of the view that this revision can be treated as an appeal since the dismissal of the same will lead to another round of litigation, which will not only cause prejudice to the petitioners herein but also it will be a burden to the State. In view of the same this revision is treated as an appeal preferred by the petitioners and is taken up for hearing.

The movable properties that were ordered for attachment which stand in the names of the petitioners herein are as follows:

Sl.No	Description of the properties	Amount
-------	-------------------------------	--------

1.	Outstanding balance in Axis bank, 40/581, S.V.Complex, R.S.Road, Kurnool in A/c.No.244010100051013 in the name of B.Usha Rani, wife of A.O.	Rs.15,321/-
2.	Outstanding balance in SB A/c.No.408301011002558 in Vijaya Bank, N.P. Road, Kukatpally in the name of B.Usha Rani, wife of A.O.	Rs.86,498/-
3.	Fixed deposit vide A/c.No.140541810451 in Karur Vysya Bank, Kurnool in the name of B.Deepa Rani, daughter of A.O.	Rs.3,00,000/-
4.	Outstanding balance in SB A/c.No.01/00301908 in Andhra Bank, Kukatpally Branch, in the name of B.Vandana, daughter of the A.O.	Rs.20,570/-
5.	Outstanding balance in SB A/c.No.004801542906, ICICI Bank, Secunderabad.	Rs.66,742/-
6.	Outstanding balance in SB A/c.No.408301011002557 in Vijaya Bank, N.P. Road, Kukatpally in the name of B.Usha Rani, wife of A.O.	Rs.96,624.50
	Total	Rs.5,85,75.50

It is an undisputed fact that even much prior to filing of the charge sheet against the accused officer, the petitioners 2 to 4 are earning money by doing jobs. Further the alleged disproportionate income of the accused officer as per the prosecution is more than Rs.99.00 lakhs. Whereas, the worth of the above shown movable properties that stand in the name of the petitioners is not more than Rs.6.00 lakhs. In view of the same, this Court is inclined to release the said movable properties in favour of the petitioners herein.

Accordingly, the above shown movable properties that stand in the names of the petitioners herein be returned to them on their executing a personal bond equivalent to the worth of the property being returned to the individual along with one surety for the said value. Further the petitioners shall file an affidavit before the trial Court undertaking that in the event if the trial Court finds the accused officer guilty and if the properties now being returned to the petitioners are directed to be confiscated to the State, they shall deposit the said amount before the trial Court within the stipulated time.

The revision is disposed of accordingly.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

15.06.2015

Tsr