

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

WRIT PETITION NO.6998 OF 2015

DATED 9th DECEMBER, 2015

Between:

B. Vasudeva Rao .. Petitioner

and

State of Andhra Pradesh rep. by its

Principal Secretary, Home

Department and others .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.6998 OF 2015

ORDER

This writ petition was filed challenging the order dated 24.06.2013 passed by the learned Special Judge for SPE and ACB Cases, Vijayawada City, Vijayawada, in Crl.M.P.No.626 of 2012 in C.C.No.12 of 2013 and to quash the same in respect of Flat No.G3, Ashok Residency, Hydershakote Village, Ranjendranagar Mandal, Ranga Reddy District, shown as Item No.8 of Annexure II in the Crl.M.P.

Smt. A. Chayadevi, learned counsel for the petitioner, stated that the subject flat belongs to her client but the same was attached without giving any notice or opportunity of hearing to her client in the criminal proceedings. She further stated that the very same order fell for consideration before this Court in Criminal Petition No.5217 of 2014 which was disposed of by order dated 10.09.2015.

A copy of the said order is placed on record and perusal thereof reflects that this Court, in exercise of jurisdiction under Section 482 Cr.P.C., took note of the complaint made by the petitioner therein that he was a third party to the proceedings and that without issuing notice to him, his flat which was in Item No.1 of Annexure-II was subjected to attachment and accordingly directed the petitioner to file a fresh application seeking the same relief sought before this Court before the Court below and the Court below was directed to consider the same and pass appropriate orders thereon within a time frame.

In that view of the matter, as the petitioner stands identically situated to the petitioner in Criminal Petition No.5217 of 2014 and in the light of the relief granted by this Court in the said case, this writ petition is disposed of permitting the petitioner to move an application seeking appropriate relief before the learned Special Judge for SPE and ACB Cases, Vijayawada City, Vijayawada, in respect of his flat which is stated to be shown as Item No.8 in Annexure-II of CrI.M.P.No.626 of 2012 in C.C.No.12 of 2013 within one month from today. The trial Court shall consider the said application on its own merits and in accordance with law and pass appropriate orders thereon within one month thereafter after hearing the parties. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

9th DECEMBER, 2015

Note: Issue C.C. in two days.

B/o PGS

