

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

CRIMINAL REVISION CASE Nos.2489 and 2490 of 2013

Between:

Crl.R.C.No.2489 of 2013:

Pulagam Buli Reddy.

... Petitioner/1st Accused

and

State of Andhra Pradesh, rep. by its
Public Prosecutor, High Court of A.P.,
Hyderabad
and others

... Respondents

Crl.R.C.No.2490 of 2013:

Kovvuru Murali Venkata Krishna Reddy

... Petitioner/7th Accused

and

State of Andhra Pradesh, rep. by its
Public Prosecutor, High Court of A.P.,
Hyderabad
and others

... Respondents

DATE OF JUDGMENT PRONOUNCED: 29-07-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

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|--|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
Marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Lordship wish to see the
fair copy of the Judgments? | Yes/No |

HON'BLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL REVISION CASE Nos.2489 and 2490 of 2013

COMMON ORDER:

Criminal Revision Case No.2489 of 2013 is filed by the petitioner/A.1 under Sections 397 and 401 Cr.P.C., against the order dated 12.07.2013 passed by the Judicial Magistrate of First Class, Anaparthi, East Godavari District in CrI.M.P.No.2564 of 2013 in Crime No.187 of 2012 of Anaparthi Police Station, East Godavari District; whereas, Criminal Revision Case No.2490 of 2013 is filed under Sections 397 and 401 of Cr.P.C. by the petitioner/A.7 in the said crime against the order dated 12.07.2013 passed by the aforesaid Magistrate in CrI.M.P.No.2548 of 2013.

2. Since both the Criminal Revision Cases arise out of the same crime, they are heard and being disposed of by this common order.

3. The Station House Officer, Anaparthi Police Station, East Godavari District, has registered the case in Crime No.187 of 2012 on 09.10.2012 for the offences punishable under Sections 3 and 4 of the A.P.Gaming Act, 1974, against the petitioners herein and others. The allegation is that on reliable information about the existence of cricket betting at Kuthukuluru village of Anaparthi Mandal, the Inspector of Police conducted a vehicle checking at Nalla Kalava Bridge, Anaparthi, and in the meantime, A.9-Karri Durga Reddy came from Kuthukuluru village side towards Anaparthi on Honda Activa Scooter and when the vehicle was checked, it was found Rs.7 lakhs under the seat of the said scooter. It is further alleged that when questioned, A.9 confessed that A.1 to A.8 were betting money at the house of accused No.1 on 20-20 World Cup Cricket match which was going on 07.10.2012 in between West Indies and Srilanka. It is further alleged

that the cash was being taken as per the instructions of accused No.1 to disburse the same to winning person at Anaparthi village.

4. The petitioners herein are A.1 to A.7. According to the petitioners, the cash of Rs.7 lakhs belongs to them and that they have requested A.9, who is clerk of A.1, to bring money for the purpose of agricultural operations. It is their contention that they obtained the said amount from the bank by pledging the gold ornaments.

5. In the case on hand, the questions as to whether the petitioners/accused Nos.1 and 7 have obtained the amount of Rs.7 lakhs by pledging the gold ornaments; and whether the said amount belongs to them or not; and if the amount belongs to them, the allegation that the said amount was used for the purpose of cricket betting, are to be decided at the time of trial. At this stage, the Court cannot return the cash seized on the allegations that the said amount being put to illegal use by the petitioners.

6. Learned counsel for the petitioners has placed reliance on a judgment of the Supreme Court in ***Sunderbhai Ambalal Desai v.***

State of Gujarat^[1], wherein it is held in paragraph No.7 as follows:

"In our view, the powers under Section 451 Cr.P.C. should be exercised expeditiously and judiciously. It would serve various purposes, namely:-

1. Owner of the article would not suffer because of its remaining unused or by its misappropriation;
2. Court or the police would not be required to keep the article in safe custody;
3. If the proper panchnama before handing over possession of article is prepared, that can be used in evidence instead of its production before the Court during the trial. If necessary, evidence could also be recorded describing the nature of the property in detail; and
4. This jurisdiction of the Court to record evidence should be exercised promptly so that there may not be further chance of tampering with the articles."

7. The facts of the above said case are not applicable to the facts of the present case. In the case on hand, the specific allegation is that the cash of Rs.7,00,000/- was seized from the motorcycle being driven by A.9 as the said amount was being taken for the purpose of illegal use, i.e., for cricket betting, by accused Nos.1 to 8. Though it is a valuable property, it cannot be returned unless a full fledged trial takes place. The learned Magistrate has rightly rejected the request of the petitioners for return of the cash and there are no grounds to interfere with the said finding of the learned Magistrate. However, since the crime is of the year 2012, it would be just and proper to direct the learned Magistrate for speedy disposal of the calendar case.

8. Accordingly, both the Criminal Revision Cases are dismissed. However, since the crime is of the year 2012, the learned Judicial Magistrate of First Class, Anaparthi, is directed to dispose of the calendar case, as expeditiously as possible, preferably, within a period of three (03) months from the date of receipt of a copy of this order, uninfluenced by any of the observations made herein.

9. As a sequel, miscellaneous applications, if any pending in these Criminal Revision Cases, shall stand closed.

M.S.K. JAISWAL, J

Date: 29.07.2015

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[\[1\]](#) AIR 2003 SC 638