

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

CRL.R.C.No.573 of 2013

JUDGMENT:

This Criminal Revision Case is filed questioning the correctness of the order of the learned Principal Sessions Judge, Karimnagar, dated 06.12.2012 passed in CrI.M.P.No.502 of 2012 in Crime No.73 of 2010, filed by the respondent-complainant.

The case of the respondent-complainant, in brief, is that revision petitioner No.1/accused, while working as Principal, APSWRS/JC., Koheda, Karimnagar District from 06.01.2006 to 10.08.2010, had committed serious irregularities of financial matters, huge mismanagement and misappropriation of funds of the said institution to the tune of Rs.55.76 lakhs as per the audit report for the year 2009-2010. Thereafter, he has been placed under suspension and a case in Crime No.73 of 2010 was registered under Section 409 I.P.C. against him by the Sub Inspector of Police, Koheda. Subsequently, the Principal Secretary to the Government of Andhra Pradesh, Social Welfare Department, Hyderabad, issued proceedings authorizing the Zonal Officer for filing an application before the Court for attachment of money and other properties of revision petitioner No.1/accused and his family members. Therefore, the respondent-complainant filed the aforesaid CrI.M.P.No.502 of 2012 under Sections 3 and 4 of the Criminal Law Amendment Ordinance, 1944 seeking to attach the properties in question. The revision petitioners-accused contested the said petition by filing counter, wherein it is contended that the properties under attachment are not at all acquired by virtue of employment revision petitioner No.1 and that revision petitioner No.2 is in no way concerned with the allegations made against revision petitioner No.1 and that the properties of revision petitioner No.2 cannot be subjected to an attachment.

The Court below, on a consideration of the entire material available on record, allowed the said petition and that the interim order of attachment dated 19.04.2012 attaching the properties of the revision petitioners was made absolute till disposal of the criminal case pending against revision petitioner

No.1.

Learned Counsel for the revision petitioners submitted that the Court below erred in making attachment of the scheduled properties as absolute since the properties are the self acquired/ancestral properties of the revision petitioners. He further submitted that revision petitioner No.1 neither misappropriated nor mismanaged the funds of the society during the alleged period. He further submitted that the Court below erred in not following the procedure prescribed under Sections 3, 4, 5 and 6 of the Criminal Law Amendment Ordinance, 1944 to attach the properties of the revision petitioners.

Having heard the learned Counsel appearing on either side and upon perusing the entire material available on record, this Court is of the view that as per the provisions of Sections 3 and 4 of the Criminal Law Amendment Ordinance Act, 1944, as a matter of right, an order of attachment of properties held by the person(s), who have committed offence, could be sought for realizing the amount sought to be accounted for by sale of the properties held by the persons responsible for the misappropriation of money. The Court below rightly observed that since it is a fact that revision petitioner No.1 is facing criminal charge of misappropriation of Government funds, as has been pointed out by the audit report for the year 2009-2010, to account for the said amount, the authority has got every right to seek an order of attachment. In these circumstances, I find that the impugned order does not suffer from any illegality or infirmity which calls for interference by this Court.

Accordingly, the Criminal Revision Case is dismissed. However, it is needless to say that the order passed shall not prevent the revision petitioners from invoking appropriate remedy under the provisions of law.

Miscellaneous petitions, if any, pending shall stand closed.

_____**M.S.K.JAISWAL, J**

05-10-2015

Gsn

