

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34600 of 2013

Arising Out of PS.Case No. -207 Year- 2011 Thana -HUSAINGANJ District- SIWAN

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1. Anwar Alam S/O Late Idrish Resident of Village Mahpur Khajrauni, P.S. Hussainganj, District Siwan.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. Zahid Anhad Siddique S/O Ekramul Haque Siddique Resident Of Village Sultanpur, P.S. Zamo, District Siwan.
3. Ekramul Haque S/O Mir Hasan Resident Of Village Sultanpur, P.S. Zamo, District Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.
For the Opposite Party/s : Mr. A.L. Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 09-08-2016

This application under Section 482 of the Code of Criminal Procedure (for short 'CrPC') has been filed against the order dated 19th June, 2013 passed by the learned Sessions Judge, Siwan in Cr. Rev. No. 143 of 2013 whereby the revision application filed by the opposite party no.3 has been dismissed with following observation :

“This criminal revision is accordingly dismissed at admission stage with observation that a property, which is not in the name of absconding accused Zaheed Ahmad Siddique shall not be attached by police in execution of process under section 83 Cr.P.C. issued against the said accused.”

2. There is neither any illegality nor any irregularity in the

impugned order. The petitioner being the complainant of the case, which was referred to the police under Section 156(3) of the CrPC for investigation, has challenged the aforesaid observation of the learned Sessions Judge on the ground that the absconding accused has purchased certain properties in the name of some other persons which should also be attached by the police pursuant to the order passed by the court under Section 83 of the CrPC.

3. The contention of the petitioner is fallacious. There is no concept of joint family property under the Muslim Law and in view of the Benami Transactions (Prohibition) Act, 1988 a property purchased in the name of one person cannot be treated as *benami* property of another person.

4. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	-----
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