

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.297 of 2016**

Tikam Das Harchandani S/o Late N.M. Harchandani Aged About 54 Years
Permanent R/o A- New 42/446, Bairagarh, Bhopal, Madhya Pradesh. And
Presently At H-118, Mahalaxmi Enclave, Sihava Road, Dhamtari, Civil &
Revenue District Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Anti Corruption Bureau, Raipur.

-----Respondent

For Applicant:	Shri Manay Nath Thakur, Advocate.
For Respondent/State:	Smt. M. Asha, Panel Lawyer.

Single Bench: **Hon'ble Shri P. Sam Koshy, J**
Order On Board

8.8.2016

1. The present Petition under Section 482 Cr.P.C seeking for quashment of the order dated 1.3.2016 passed by the Special Judge, (Prevention of Corruption Act), 1st Additional Sessions Judge, Raipur in Special Case No.794/2015, whereby an application under Section 207 Cr.P.C seeking for return of the seized amount from the Applicant was rejected by the Court below.

2. Learned Counsel for the Applicant submits that the Applicant is being prosecuted for the offence punishable under Sections 109, 120-B, 420 and 409 IPC and also under Sections 13(1)(d)/13(2) of the PC Act. Pending the trial, the Applicant has moved an application under Section 207 of Cr.P.C

before the court below seeking for relief of release of the amount which was seized from the possession of the Applicant. He further submits that the said amount was drawn from the Applicant's own bank account from time to time and the same was withdrawn by the Applicant for incurring his medical expenses and for which, he had to go to Bhopal for treatment. He further submits that he is ready to furnish any security for the said release of the amount.

3. Learned State counsel however opposes the Revision on the ground that the Applicant is one of the accused engaged in a large scale corruption in the capacity of District Manager of the Chhattisgarh Civil Supplies Corporation.

4. Having considered the total facts and circumstances, what is reflected is that from a raid which was conducted by the officers of the Anti Corruption Bureau, an amount of Three Crores and Forty Four lacs was seized in cash from the office of the Civil Supplies Corporation at Raipur wherein the Applicant also was discharging his duties as a Deputy Manager. Out of an amount of three Crores and Forty Four lacs, an amount of Three lacs and Forty Thousand was recovered from the chamber of the Applicant and another Fifty Thousand was recovered from his residence. Therefore, it does not appear to be the cash which was withdrawn by the Applicant for the purpose of his medical expenses. Further, the bank statement also which was being relied upon by the Applicant to show the amount of Three Lacs Forty Thousand does not match the said amount for the reason that the transaction which has been shown was of various dates and which is hard to believe to be the same amount which has been recovered from the possession of the Applicant.

5. Thus, in the opinion of this Court, the Court below has not committed any error or illegality nor is there any infirmity while rejecting the application for release of the said amount.

6. In view of above, the instant Revision being devoid of merits, the same is accordingly rejected.

Sd/-

(P. Sam Koshy)

JUDGE