

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION ST.NO.124 OF 2016

1. Shaikh Mohammad Shafee s/o. .. Applicants
Shaikh Mohammad Razzak
Age. 61 years, Occ. Pensioner,
R/o. Plot No.37-A,
Aurangabad Times Colony,
Tq. & Dist. Aurangabad.
2. Shaikh Mohammad Taufiq s/o.
Shaikh Mohammad Shafee,
Age. 33 years, Occ. Business,
R/o. Plot No.37-A,
Aurangabad Times Colony,
Tq. & Dist. Aurangabad.

Versus

1. The State of Maharashtra .. Respondents
Through Police Station, Jinsi,
Aurangabad.
2. The Deputy Superintendent,
Anti Corruption Bureau, Juna Bazar,
Aurangabad, Tq. & Dist. Aurangabad.

Mr.H.I. Pathan, Advocate for the applicants.
Mr.P.N. Kutti, A.P.P. for respondent/State.

CORAM : Z.A. HAQ, J.
DATED : 24.11.2016

ORAL JUDGMENT :-

. By order dated 13.06.2016, the non-applicants were put on notice that the matter would be finally

decided at the stage of admission. The matter is taken up for final disposal.

02. Rule. Rule made returnable forthwith.

03. The applicant, his wife and sons are being prosecuted for the offence punishable under section 13 (1)(e) read with section 13 (2) of the Prevention of Corruption Act and section 109 of the Indian Penal Code. An amount of Rs.15,72,840/- is seized from the applicant No.1 and his two bank accounts are freezed on the accusation that the applicant No.1 and his family members are in possession of the property disproportionate to the known sources of income of the applicants. The applicant No.1 retired from the Government service from the Post of Range Forest Officer in the year 2013. The applicants filed an application before the Sessions Court under section 451 of the Criminal Procedure Code praying for return of the amount seized from their house and for defreezing the accounts. This application is rejected by the Special Judge by the impugned order.

04. The Criminal Revision Application is opposed by the learned A.P.P. on the ground that the investigation in the matter is still going on and more property/assets may be recovered which the applicant might have gathered

by illegal means. The progress of investigation, if any, will not be affected by this order and therefore the submission is not relevant for the purposes of deciding the Criminal Revision Application. Though the applicant prayed before the Special Court that two bank accounts freezed by the investigating agency should be defreezed, the learned Special Judge has not adverted to the prayer.

05. Considering the facts on record, in my view following order will subserve the ends of justice.

(i) The impugned order is set aside.

(ii) The amount of Rs.15,72,840/- seized from the house of the applicants be returned to the applicants immediately after they furnish solvent surety/security to the satisfaction of the learned Special Judge.s

(iii) Two bank accounts of the applicant No.1/his family members which are freezed should be de-freezed forthwith.

. The Criminal Revision is allowed in the above terms. In the circumstances, parties to bear their own costs.

[Z.A. HAQ,J.]