

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No. 402 of 2016

ORDER:

Assailing the order dated 04.01.2016 passed in CrI.M.P.No.644 of 2015 in R.No.8/ACB-CR.I/2014, dated 04.01.2015, wherein an application filed under Sections 451 and 457 of Cr.P.C. seeking return of documents i.e. original registered sale deed vide document Nos.6612 of 2009, dated 29.12.2009, 12249 of 2012 dated 03.10.2012 and 342 of 2009 dated 11.02.2009, was rejected, the petitioner, who is third party to the case preferred the present revision.

The facts which lead to filing of the present revision are as under:

A case in Crime No.8/ACB/CR.I/2014 came to be registered against the second respondent for an offence punishable under Section 13 (1) (e) read with Section 13 (2) of the Prevention of Corruption Act. At the time of search, number of documents, pass books etc. were seized from the house of the second respondent.

The petitioner herein is the younger son of the second respondent. He appointed his brother by name V.Srinivas as his Special Power of attorney as he happens to be residing in U.S.A. According to him the three documents which are noted in the petition are sale deeds pertaining to the petitioner namely document Nos. 1) 6612 of 2009, dated 29.12.2009 pertaining to Plot No.74 of Ramareddyguda, Ibrahimpatnam, (2) 12249 of 2012 dated 03.10.2012 pertaining to plot No.656 at Nandi Hills, Meerpet and (3) 342 of 2009 dated 11.02.2009 pertaining to house bearing No.2-3-633, Amberpet, Hyderabad. The properties are purchased from the funds sent by him through online to his brother Srinivasulu. Hence, it is contended that the documents which were seized during the search proceedings

belonged to him as such the same may be directed to be released. He also filed a petition before the trial Court for release of the said documents. The said petition was opposed by the learned Public Prosecutor on various grounds. After considering the rival submissions, the said application was rejected. Challenging the same the present revision is filed.

Reiterating the arguments that were advanced before the trial Court, learned counsel for the petitioner took me through the bank accounts of Srinivasulu to show that the amounts were credited into his account through NEFD and the said amounts were withdrawn for purchase of the above mentioned properties.

On the other hand, learned Standing Counsel for ACB Cases strongly opposed the revision contending that the withdrawal made do not correlate to the time of purchase of the property and as such it cannot be said that the properties which were purchased was with the money which was withdrawn from the bank.

As seen from the record, the investigation is still pending. All these documents are seized from the house of the second respondent, who is none other than the father of the petitioner. The argument of the learned counsel for the petitioner is that all the properties were purchased from the amount sent by the petitioner to the account of his brother, as he is in U.S.A. since 2006.

A perusal of the pass books of Srinivasulu which has been filed before the Court would show that amounts were received from the account of his brother and periodically amounts were withdrawn from the said accounts. The transactions in the pass book do not anywhere indicate issuance of cheque for purchase of the property. The amounts withdrawn and the value of the property purchased on the said dates do not match. On the other hand, it appears that the dates on which the amounts withdrawn and the dates on which the

properties were registered are totally different. No transaction equivalent to or near to the value of the properties are referred to in the entries made in the bank pass books. Hence, I am not inclined to consider the request of the petitioner. Since the investigation is still pending, the petitioner is always at liberty to explain and show to the investigating agency that these properties were purchased by him with the funds available. Having regard to the circumstances stated above, I see no reasons to interfere with the orders passed by the trial Court.

Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any, pending, shall stand closed.

C. PRAVEEN KUMAR, J

12.04.2016

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