

THE HON'BLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.176 OF 2016

ORDER:

The present criminal revision case is filed by the petitioner challenging the order, dated 16.03.2015, passed in CrI.M.P.No.1342 of 2014 by the Court of the Special Judge for SPE and ACB Cases, Visakhapatnam, whereby the Court below dismissed the petition filed by the petitioners under Sections 451 read with 457 of Code of Criminal Procedure (CrPC) seeking return of properties.

Heard and perused the records.

Learned counsel for the petitioners submits that the Court below erroneously dismissed the petition filed by the petitioners and as such, he filed the present revision case seeking to set aside the order passed by the Court below and to return the properties.

Learned Public Prosecutor submits that the Court below has already ordered for attachment of the subject properties, and against which the present petition is filed by the petitioners challenging the said order.

This Court is of the view that the provision under Sections 451 and 457 CrPC speaks about the interim custody of the properties and it does not decide the issue of ownership of the properties. The properties are already adjudicated to be attached by the Court below and as such, the petitioners are directed to approach the same Court for return of properties and if the said Court failed to consider the petition and if the petitioners are aggrieved by the orders to be passed by the Court below, the petitioners are at liberty to approach this Court seeking appropriate relief.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

27.01.2016

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