

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No. 403 of 2016

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ORDER:

Assailing the order dated 04.01.2016 passed in CrI.M.P.No.643 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.6614 of 2009, dated 29.12.2009 and 516 of 2008 dated 04.02.2008, the documents pertaining to the movable property in Sy.No.307, Plot No.51 at Nagar Kurnool Village and Mandal, Mahaboobnagar District, 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 elder son of the second respondent. According to him the two documents which are noted in the petition are sale deeds pertaining to the petitioner namely document Nos.6614 of 2009, dated 29.12.2009 and 516 of 2008 dated 04.02.2008 pertaining to plot No.72 at Abdullapur Village and pertaining to the movable property in Sy.No.307, Plot No.51 at Nagar Kurnool Village and Mandal, Mahaboobnagar District. It is the case of the petitioner that he has completed his B.Tech Degree in the year 2005 and since then he is doing his own private business and also real-estate business and

having independent source of income. He married one Ms. B.Navala and their marriage was performed in the month of August, 2010. At the time of marriage his in-laws gifted cash and gold to the petitioner. His wife also working in GENPACT from September, 2005 and getting salary of Rs.40,000/- per month. 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 to show that the amounts which 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 was purchased are 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 earnings of the petitioner.

A perusal of the pass books which has been filed before the Court would show that amounts were received from the account of the brother of the petitioner 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 in the entries made in the bank pass book. Hence, I am not inclined to consider the request of the petitioner. Since the investigating 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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