

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.632 OF 2016

JUDGMENT:

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This Criminal Appeal is preferred by the appellant/third party challenging the order, dated 23.09.2015, passed in CrI.M.P.No.998 of 2015 by the Court of the Principal District and Sessions Judge, West Godavari District, at Eluru (Special Court under the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999), whereby the learned Judge allowed the petition filed by the State and made absolute the *ad interim* order of the attachment passed by the Government under G.O.Ms.Nos.22 and 23 of Home (ARMS & SPF) Department, dated 20.02.2015 and G.O.Ms.No.73 of Home (Gen.A.2) Department, dated 05.06.2015, in respect of the petition schedule properties, to facilitate the Government to proceed further to dispose of the said properties and for refunding the advance amounts to the customers to whom the company is due.

Heard and perused the material available on record.

Learned counsel for the appellant submits that the Special Court erred in allowing the petition filed by the State without issuing any notice to the appellant herein. He further submits that the appellant purchased some properties in the Petition Schedule Properties for valuable consideration and that he has taken possession of the said properties. He further submits that the Special Court, without giving any notice and hearing the appellant herein, made absolute the *ad interim* order of attachment, which is illegal and void and as such, prays this Court to set aside the order impugned and direct the Special Court to hear the appellant herein and pass appropriate orders in accordance with law.

Considering the facts and circumstances of the case, the appellant is directed to file an application before the Special Court stating his grievance that he was not served any notice before making the attachment of properties absolute by the Special Court and on such application being filed, the Special Court is directed to consider the same and pass appropriate orders in accordance with law as expeditiously as

possible, preferably within a period of six months.

The Criminal Appeal is accordingly disposed of. Miscellaneous applications, if any pending in this appeal, shall stand dismissed.

JUSTICE RAJA ELANGO

21.07.2016

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