

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 13314 of 2016

ORDER:

This Criminal Petition under Section 482 Cr.P.C. is filed seeking to set aside the conditions imposed in the order dated 31.3.2016 passed in Crl.R.P.No. 76 of 2014 on the file of learned XIV Additional District and Sessions Judge, Ranga Reddy District, at L.B.,Nagar, Hyderabad.

On 25.04.2014 at Shamsabhad, Hyderabad, the police intercepted a bus bearing registration No. KA.01.AB.2732 belonging to HKB travels coming from Bangalore to Hyderabad and found seven travel bags consisting of cash of Rs.8,18,00,000/- in total. Under the cover of panchanama, the said amount was seized and registered a crime No. 117 of 2014. Initially the petitioners herein filed Crl.M.P.No.1399 of 2014 for interim custody of the said amount. The learned VIII Metropolitan Magistrate, Cyberabad, at Rajendranagar, by order dated 20.05.2014 dismissed the said petition. Aggrieved by the same, the petitioners herein filed revision vide Crl.R.P.No.76 of 2014 before the Court of learned XIV Additional District and Sessions Judge, Ranga Reddy District, at L.B.Nagar, who by order dated 31.03.2016 set aside the order dated 20.05.2014 passed by the learned Magistrate and allowed the said Criminal Revision Petition by imposing certain conditions for interim custody of the

aforesaid amount. Aggrieved by the conditions imposed by the Court below, the present Criminal Petition is filed.

Heard the learned Counsel on either side and gone through the material on record.

It is crystal clear from Section 451 Cr.P.C. that it is for the concerned learned Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantees as well as security for return of the seized articles, if required at any point of time. It is also mentioned therein that the Court may follow procedure of recording evidence as it thinks necessary as provided under Section 451 Cr.P.C. and before handing over possession of seized articles and detailed panchanama should be prepared. It is learnt that elaborate and specific guidelines have been given to the lower Court for release of the seized and detained articles as such, in the case of *Sunderbhai Ambalal Desai Vs. State of Gujarat*, {2003 (46) ACC 223 (SC)}. However, in the case on hand, the conditions imposed by the revisional Court for interim custody of the seized amount cannot be complied with and not practicable. In view of the same, conditions imposed by the Court below in the order dated 31.3.2016 passed in CrI.R.P.No. 76 of 2014 are modified and the learned VIII Metropolitan Magistrate, Cyberabad, at Rajendranagar, is directed to release the fixed deposit amount of Rs.8,32,50,000/- and hand over to the petitioners on their executing personal bonds for Rs.10.00 crores each along with third party surety each for the like sum to the satisfaction of learned VIII Metropolitan Magistrate,

Rajendranagar. The rest of the conditions imposed in the said order shall stand as it is.

The Criminal Petition is disposed of accordingly. Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.

JUSTICE M.S.K. JAISWAL

DATED 19th September, 2016.
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