

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.17107 OF 2016

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the order passed in CrI.M.P.No.92 of 2015 in S.C.No.754 of 2013 on the file of Assistant Sessions Judge, Ranga Reddy District at Medchal.

The petitioner filed a petition before the trial Court under Section 451 of Cr.P.C. for release of the amount of Rs.61,50,000/- (old currency) before demonetization, which is in denomination of Rs.1,000/-, Rs.500/- and Rs.100/-. The offence allegedly committed by the accused is punishable under Section 395 of I.P.C., which is of serious nature, and the Assistant Sessions Judge declined to release the amount on the sole ground that if the amount returned, it cannot be secured back in the same condition.

Time fixed by the Government for exchange of old currency will get expired by 30.12.2016 and the amount if not released, the currency notes seized in the denomination of Rs.1,000/- and Rs.500/- will become ineffective or stake.

Considering the facts and circumstances of the case and to avoid loss to the petitioner, who is the alleged owner, from whom the amount was robbed, I deem it appropriate to direct the Assistant Sessions Judge, Ranga Reddy District at Medchal to return the old currency, which is in the denomination of Rs.1,000/- and Rs.500/- only after obtaining photographs/ Photostat copies of those notes for proper identification on

condition that after exchange, the petitioner shall keep the said amount in Fixed Deposit in any Nationalised Bank and shall keep said Fixed Deposit Receipt in the Court.

In the result, the petition is disposed of and the Assistant Sessions Judge, Ranga Reddy District at Medchal is directed to return the old currency deposited in Court only pertaining to S.C.No.754 of 2013, which is in the denomination of Rs.1,000/- and Rs.500/- only after obtaining photographs or Photostat copies of those notes for proper identification on condition that after exchange, the petitioner shall keep the said amount in Fixed Deposit in any Nationalised Bank and shall keep said Fixed Deposit Receipt in the Court. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

29.12.2016

Note:

Issue C.C. today.

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