

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE NO.2376 OF 2016

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. challenging the docket order, dated 01-06-2016 in CrI.M.P.No.258 of 2016 in Cr.No.89 of 2016 of Suryapet Town Police Station, on the file of the Judl. Magistrate of I Class, Kodad.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioner herein is A2 in the above crime. It is the case of the petitioner that police seized an amount of Rs.11,00,000/- on 15-01-2016 in Cr.No.12 of 2016. Thereafter, police registered the present crime and shown the money seized by them in this case as case property.

4. The petitioner filed the above CrI.M.P. under Section 451 Cr.P.C. for return of the money. The trial Court dismissed the petition on the ground that the petitioner is having criminal back ground from the year 2007 onwards. The petitioner also filed bank statements before the trial Court to prove the source of money. If the amount is kept in the custody of the Court, it may cause untold hardship and loss to the petitioner. So also, if the petition is allowed unconditionally, it may not be possible for the respondent to secure the presence of the petitioner.

5. Having regard to the facts and circumstances of the case, I am of the considered view that it is a fit case to set aside the impugned order.

6. Accordingly, the Criminal Revision Case is allowed setting aside the docket order, dated 01-06-2016 in

Crl.M.P.No.258 of 2016 in Cr.No.89 of 2016 of Suryapet Town Police Station, on the file of the Judl. Magistrate of I Class, Kodad and consequently, Crl.M.P.No.258 of 2016 stands allowed. The trial Court is directed to release the amount of Rs.11,00,000/- seized from the petitioner-A2 on his furnishing a bank guarantee for the equal amount to its satisfaction. Miscellaneous petitions, if any pending, in this revision shall stand closed.

T.SUNIL CHOWDARY, J

DATED: 25.11.2016.

Hsd

