

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.112 of 2016

ORDER

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The present criminal revision case is directed against the order dated 16.03.2015 passed in Crl.M.P.No.1348 of 2014 on the file of the Special Judge for SPE and ACB Cases, Visakhapatnam, in connection with Cr.No.15/RCA-ACB/VSP/2013 of ACB, Visakhapatnam.

2. Heard both sides and perused the material on record.

3. The facts, in brief, are that the petitioner herein is the mother of second respondent/accused. Petitioner states that during the course of search of their house, the ACB seized gold and silver items and also other documents and pattadar passbooks belonging to their family. A case in Cr.No.15/RCA-ACB/VSP/2013 for the offence punishable under Section 13(1)(e) read with Section 13(2) of Prevention of Corruption Act, was registered against her son. Petitioner further states that after the death of her husband, who worked as Government Teacher, she has been receiving pension and getting rents from out of the three portions of house at Saluru. Her husband also acquired agricultural lands. Petitioner further states that the gold and silver ornaments were purchased periodically from her pension, rental and agricultural income and that as those articles were seized by the ACB, she is unable to use the same. She submitted letters to the ACB, Visakhapatnam, for return of gold and silver ornaments and

documents, but they did not return the same. Hence, she filed the impugned application for return of those articles. By the order impugned, the trial Court dismissed the said application holding that the case is still under investigation and it is premature. Challenging the same, the petitioner filed the present revision.

4. Learned counsel for the petitioner submits that some gold and silver ornaments were gifted by the parents of the petitioner at the time of her marriage and some ornaments were purchased periodically from the salary savings of her husband, her pension, rental and agriculture income and all those articles are no way related to the accused. Thus, he prays to return the said gold and silver articles and the documents to the petitioner.

5. Taking into consideration the facts and circumstances of the case and since the crime is of the year 2013 and also considering the income of the petitioner from out of her pension, rents and agriculture, this Court is of the view that the articles and the documents as sought for, shall be returned to the petitioner. In view of the same, the trial Court is directed to return the articles and the documents as prayed for, to the petitioner on her executing a bond for a sum of Rs.3,00,000/- (Rupees three lakhs) with one surety and also on her executing a Bank guarantee for a sum of Rs.1,00,000/- (Rupees one lakh) to its satisfaction. The petitioner shall also give an undertaking to produce the said articles and the documents as and when required by the trial Court.

6. Subject to the above direction, the Criminal Revision Case is disposed of.

Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE RAJA ELANGO

20th January, 2016

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