

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.901 of 2015

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1. Mahfuzur Rahman Mazahri
2. Jamal Mazahri, Son of Late Izhar Mazhari
3. Iftekhar Mazahri, Son of Late Fazlur Rahman Mazhari
4. Naghama Shadab, Daughter of Late Khalid Mazhari
5. Anwar Jahan Hussain, Daughter of Late Fazlur Rahman Mazhari
6. Sarwar Jahan, Daughter of Late Fazlur Rahman Mazhari
7. Shazia Shadab, Daughter of Late Khalid Mazhari
8. Ejaj Mazahri, Son of Late Fazlur Rahman Mazhari
All are residents of village-Kako, P.S.-Kako, District-Jehanabad

.... Petitioner/s

Versus

The State of Bihar Through Economic offence Unit, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Advocate
For the Respondent/s : Mr. Vishwanath Pd.Singh(Eou)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 20-02-2017 The petitioners are aggrieved by an order dated 15.09.2015 passed by learned Special Judge, Vigilance-I, Patna in Special Case No. 33 of 2013 arising out of Economic P.S. Case No. 23 of 2013, whereby he has refused the prayer of these petitioners for release of an amount of Rs. 11,00,000/- in their favour, which was seized on 19.06.2013 by the Economic Offence Unit, Bihar, Patna from the flat of the accused Md. Kamal Ashraf.

Total amount of Rs. 25,45,500/- was recovered from a briefcase belonging to the said Kamal Ashraf. It is the case of the petitioners, who have common lineage, that out of said 25,45,500/- a sum of Rs. 11,00,000/- belonged to them which they



had received against advance money for sale of their ancestral properties. Petitioner No. 4 is wife of said Kamal Ashraf. The amount of Rs. 11,00,000/- was kept with Kamal Ashraf for distribution among all the petitioners, they assert.

What is noticeable from the materials on record that confiscation proceeding with respect to ill-gotten money of said Kamal Ashraf is still to be adjudicated upon by the court of Special Judge, Vigilance-I, Patna. The issue whether the money, which has been recovered was ill-gotten money of Kamal Ashraf or he was keeping the said amount after having received it from different sources is yet to be decided in a full-fledged confiscation proceeding.

The impugned order refusing to release the said amount in favour of the petitioners, at this stage, cannot be termed to be bad or illegal requiring interference by this Court.

This application has no merit and it is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Vats/-

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