

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 10 OF 2017

MR. KAUSTUBH SHIVDIKAR., ... Petitioner
Versus
STATE THR. POLICE INSPECTOR, CBI
AND ANR., ... Respondents

Shri Arun De Sa, Advocate for the Petitioner.
Shri Joseph Vaz, Special Public Prosecutor for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 27th February, 2017

ORAL ORDER:

Heard the learned Counsel for the petitioner and the learned Special Public Prosecutor for the respondents.

2. Shri Vaz, the learned Special Public Prosecutor for the respondents, waives service. Heard finally by consent of parties.

3. The present criminal revision application is directed against the order dated 22.11.2016, passed by the learned Additional Sessions Judge at Margao in Criminal Miscellaneous Application No.72/2016, whereby the application filed by the petitioner for de-freezing his account with ICICI Bank, Poonawadi Branch, Mumbai, has been dismissed. The impugned order shows that notwithstanding the dismissal of the application, the petitioner if required, has been permitted to transact/operate the account in respect of the amounts deposited after 20.07.2016.

4. The brief facts are that an offence under Section 7 of the Prevention of Corruption Act, has been registered against the father of the petitioner, in which the investigation is stated to be in progress. During the course of investigation, the savings bank account of the petitioner and that of his mother, Dr. Anagha Shivdikar came to be freezed. It is a matter of record that the mother of the petitioner is a Gynecologist and is serving in Oman. She had filed Criminal Miscellaneous Application No.71/2016 for de-freezing her account, to which, the respondent no.1 gave no objection, in as much as she was shown to possess independent source of income. Respondent no.1, however, opposed the application filed by the petitioner, on the ground that the petitioner is taking education and he has thus, no source of income and there are certain amounts, which are transferred to the account of the petitioner by his father.

5. It is contended on behalf of the petitioner that various amounts, which are transferred to the account of the petitioner are by way of transfer entries made by his mother.

6. Shri Vaz, the learned Special Public Prosecutor for the respondents fairly states that at this stage, there is no material to show that there is any amount, which is transferred from the account of the father and/or any amount deposited in cash, in the

account of the petitioner. If that be so, the whole basis, for freezing the account (that there are some amounts transferred by the father of the petitioner to the account of the petitioner), falls through as there is no material to support the same at this stage.

7. In such circumstances, the criminal revision application is allowed. The impugned order is hereby set aside. The Criminal Miscellaneous Application No. 72/2016, filed before the learned Additional Sessions Judge, is allowed, as prayed. The revision application is disposed of in the aforesaid terms.

C. V. BHADANG, J.

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