

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE NO.2324 OF 2017

ORDER:

This criminal revision case is filed under Section 397 & 401 Cr.P.C, questioning the legality and propriety of the order in CrI.M.P.No.733 of 2016 in Cr.No.9/ACB.CR.II/2016 dated 23.01.2017, dismissing the application filed by the petitioner i.e. mother of the accused officer against whom a crime is registered for the offence under Section 13(1)(e) r/w Section 13(2) of Prevention of Corruption Act, 1988.

The list of properties shown in the petition which are inclusive of passbook and cheque book of the savings bank account bearing no.62176421143 with SBH Miyapur Branch, Hyderabad, gold & silver ornaments, documents pertaining to gas connection of Hindustan Petroleum Corporation Limited with Consumer No.617911 document No.51980 dated 12.07.1971 renumbered as 1051068 dated 10.04.2013 and Grand i-10 Asta Hundai Car bearing No.TS 07 EX 1241 standing in the name of the petitioner were seized by the A.C.B. officials.

The main contention of the petitioner before the Trial Court and this Court is that, the petitioner is a pensioner and on account of seizure of bank passbook, she is unable to withdraw the pension amount from the bank. It is urged by the petitioner that at the age of 75 years, she requires conveyance for carrying out her daily affairs and she requested the car to be released along with the other items as requested referred supra.

Learned counsel for the petitioner requested this Court to release gold & silver ornaments, gas connection documents and also car for her daily transportation. It is contended that, since the investigation is completed and valuation of gold and silver ornaments is completed by the assessor and except filing charge sheet, nothing remained to be investigated by the investigating agency. If, for any reason, the bank passbook, gas connection documents and car are not released, the petitioner would be facing difficulty to draw pension and to book a gas cylinder and further, there is every possibility of the car getting rust due to prolonged exposure to sun and rain.

Learned Public Prosecutor for A.C.B, Sri Ravi Kiran Rao contended that the investigation is not yet completed and therefore, at this stage, property cannot be released while exercising power under Section 451 & 457 Cr.P.C. However, learned Public Prosecutor reported no objection to return gas connection documents and agreed to address no objection to open fresh account for withdrawing pension amount by the petitioner.

Considering the stage of investigation and the age old difficulties faced by the petitioner, I find that it is a fit case to direct the first respondent to issue 'No Objection Certificate' in favour of the petitioner addressing a letter to the concerned bank authorities to permit the petitioner to open fresh account, enabling her to withdraw the pension amount being deposited to the credit of her account. The first respondent is also directed to return the documents pertaining to gas connection referred supra. However, the petitioner is at liberty to renew her request at appropriate stage

after completion of investigation and on filing such application, the Principal Judge for SPE and ACB cases-cum-IV Additional Chief Judge, City Civil Courts, Hyderabad, is directed to dispose of the application in accordance with law.

With the above direction, the criminal revision case is disposed of.

Consequently, miscellaneous applications pending if any, shall stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:29.08.2017

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