

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE No.2235 of 2017

ORDER:

This revision is filed under Sections 397 and 401 of Code of Criminal Procedure (for short "Cr.P.C.") questioning the propriety and legality of the order dated 16.06.2017 passed in CrI.M.P.No.2361 of 2017 in S.C.No.212 of 2011 by the Additional Judicial First Class Magistrate, Narsapur, West Godavari District, whereby petition filed under Section 452 of Cr.P.C. seeking return of M.Os.1 to 69 and M.O.97 was dismissed.

Revision petitioner is the wife of the deceased and the property was seized from the possession of the accused during investigation and the accused was found guilty for the offence punishable under Sections 302, 201 and 380 of I.P.C. and convicted and sentenced to undergo rigorous imprisonment for life.

The reason for dismissal of the application filed by the petitioner is that CrI.A.(SR). No.46672 of 2015 in CrI.A.No.1162 of 2015 filed by the accused was admitted and the same is pending. But the Presiding Officer of the Court below herself enquired about the pendency of the appeal in different ways as narrated in paragraph No.6 of the order. But pendency of appeal is not a ground to deny return of M.Os.1 to 69 and M.O.97 as they are admittedly belonging to the deceased – husband of the petitioner herein.

During hearing learned Public Prosecutor fairly conceded that the said articles belong to the husband of the petitioner herein.

As there is no rival claim against the property, the Court shall return M.Os.1 to 69 and M.O.97 to the petitioner by obtaining an undertaking from the petitioner to produce them as and when directed by the Court in connection with the above Sessions Case.

Therefore, the Additional Judicial First Class Magistrate, Narsapur, West Godavari District is directed to return M.Os.1 to 69 and M.O.97 to the petitioner under proper acknowledgement by obtaining an undertaking to produce M.Os.1 to 69 and M.O.97 as and when directed by the Court in connection with the above Sessions Case.

With the above direction, the criminal revision case is allowed setting aside order 16.06.2017 passed in Crl.M.P.No.2361 of 2017 in S.C.No.212 of 2011 by the Additional Judicial First Class Magistrate, Narsapur, West Godavari District. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

19.09.2017
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