

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.1844 of 2015

ORDER :

The revision petitioner is the so called respondent No.5 before the lower Court covered by the impugned order dated 23.06.2015 in CrI.M.P.No.285 of 2013 in C.C.No.55 of 2013, outcome of in Crime No.13/ACB-CIU-HYD/ 2013 passed by the I Additional Special Judge for S.P.E. & A.C.B.Cases-cum-V Additional Chief Judge, City Civil Court, Hyderabad, which was filed under Sections 3 and 4 of the Criminal Law Amendment Ordinance Act, 1944 (for short 'the Ordinance').

A perusal of the impugned order no way shows what properties sought for attachment if at all under Section 3 of the Ordinance and on what basis order if any passed and by examination of which deponent. Even as per Section 3 of the Ordinance, it has to pass even an ad-interim attachment like in a suit or by against the Government contemplated by Order XXVII C.P.C. Further once objections are called for invoking Section 4 of the prospective objectors to the attachment, there is an enquiry to be conducted as per Section 4 read with 5 of the Ordinance like in a civil suit by recording evidence in deciding the claim on merits. The learned Special Judge did not follow any procedure contemplated by Sections 3 to 5 either for interim attachment or in ordering notice if any thereafter in making absolute or to vacate the attachment by

upholding the claim as the case may be. This Court another Bench in this regard laid down clearly the law by reiterating the same from several expressions of the Apex Court vide A.Sambaiah Nayak and another v. The State of Telangana¹. Thereby, the impugned order is set aside and the matter is remitted back to the lower Court to follow the procedure contemplated for the respective order at initial stage to be passed under Section 3 of the Ordinance and the procedure to be followed thereafter under Section 4 and the enquiry to be conducted for order to be passed under Section 4 r/ w 5 of the Ordinance afresh, on own merits.

Accordingly, the Criminal Revision Case is allowed.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Date:13-04-2017
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Dr. B. SIVA SANKARA RAO, J

¹ 2017(1) HLT (CRL.) 181 (A.P.)