

THE HON'BLE DR JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE NOS.452 AND 453 OF 2017

COMMON ORDER:

These revisions are maintained impugning the orders of the learned Principal Judge for SPE and ACB Cases-cum-IV Additional Chief Judge, City Civil Courts, Hyderabad, allowing the applications for the interim custody of the property subject to furnishing a bank guarantee of Rs.2,00,000/- with an undertaking to produce the property without any alteration or any type of alienation to the third parties; which are by then not subject matter of any attachment under the Criminal Law Amendment Ordinance Act, 1944.

There are no counter revisions or other proceedings pending impugning the orders passed by the learned Principal Judge, if at all aggrieved by the Anti Corruption Bureau leading the prosecution. It is made clear that it will not effect any order of attachment sufficient thereto passed subject to finality. It is needless to say, as per the expression in **Sunderbhai Ambalal Desai v. State of Gujarat**¹, guidelines laid down for interim custody only for safe preservation and use and practically in custodia-legis and as a license to make use till final disposal of the *lis* and till passing property disposal orders finally. Against said discretionary power of the trial Court for this Court while sitting in revision, there is nothing to interfere, including to the condition and quantum of bank guarantee, merely because another Bench of this Court ordered for release of property on personal bond.

¹ AIR 2003 SC 638

Accordingly and in the result, both the revisions are dismissed. Miscellaneous petitions, if any, pending shall stand dismissed.

(Dr. B.SIVA SANKARA RAO, J)

20th March 2017
RRB

