

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.17046 OF 2016

ORDER:

This petition is filed under Section 451 read with Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to direct the XII Additional Chief Metropolitan magistrate, Hyderabad to grant interim custody of the property (item nos 2 to 35) seized in Crime No.210 of 2016 of Detective Department, Cyber Crime Police Station, Hyderabad.

Learned counsel for the petitioner contended that the credit/debit cards are required to withdraw the amount lying to the credit of various accounts, in view of recent demonetization. It is also further contended that Item nos.23, 26, 28 & 29 mentioned in the remand report i.e. credit/debit cards are required to be renewed as those cards are going to expire within three months. Further, it is contended that renewal of the said cards would be difficult, unless they are returned in original. Learned counsel for the petitioner also contended that though vehicle bearing registration No.AP 07 AT 0378 was already released by the Court below, Item Nos.9 & 11 i.e. Certificate of Registration of the vehicle and Driving license, were withhold and now it is urged to direct the Court below to release Item Nos.9 & 11 in remand report, as they are crucial identities to produce before the police authorities, as and when demanded.

Learned Public Prosecutor for the State of Telangana did not oppose the contention of the learned counsel for the petitioner.

However, it is a known fact that and the Court can take judicial notice regarding demonetization and no doubt, it is difficult for any person to operate their account without debit/cash cards. Hence, keeping in mind the dire need, I deem it appropriate to direct the XII Additional Chief Metropolitan Magistrate, Hyderabad to return Item Nos.11, 13, 23, 26, 28 & 29 mentioned in remand report, after obtaining certified copies of the same. The petitioner shall also produce necessary undertaking to produce the items referred supra as and when required and furnish security of Rs.25,000/- with two sureties for the like-sum each. It is needless to observe that the petitioner shall produce the above mentioned items as and when required by the Trial Court without any alteration and alienation.

With the above direction, the criminal petition is disposed of.

Consequently, miscellaneous petitions, if any, pending in this Petition shall stand closed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

03.01.2017

SP