

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.11381 of 2017

ORDER

This petition is filed under Section 482 Cr.P.C., to quash the order dated 07.6.2017 passed in C.R.P.No.22 of 2017 by the X Additional District and Sessions Judge, Tirupati, dismissing the revision filed against the order dated 21.03.2017 passed in Crl.M.P.No.743 of 2017 in Cr.No.95 of 2016, which was filed under Section 451 of Cr.P.C., for return of the property i.e., cash worth Rs.6,40,000/-, by producing sufficient sureties.

2. The petitioner filed a petition under Section 451 of Cr.P.C. before the Magistrate alleging that he is the owner of the currency seized during investigation by the investigating agency and it was kept with the custody of the police. He is contending that he has not committed any offence and he is the owner of the currency i.e., new currency notes of Rs.6,40,000/-, but the trial Court dismissed the petition assigning its own reasons. In the revision, the Sessions Judge observed that there is a dispute with regard to the ownership of the amount. The said order is challenged on various grounds.

3. The counsel for petitioner, at the time of hearing, requested to direct the trial Court to keep the amount in interest fetching fixed deposit in any scheduled Bank, otherwise, the petitioner would be put to serious loss.

4. No doubt, as observed by both the Courts below, there is a dispute with regard to the ownership of the amount. However, if the

amount is kept idle in the Court, there is every possibility of losing interest in the event of success in the main case and to avoid such loss to the true owner of the property, I deem it appropriate to direct the trial Court to keep the amount in fixed deposit initially for a period of one year and renew the same from time to time till disposal of the C.C., if any pending before the Court or closure of the crime with the police. The trial Court is also directed to take photos or video of those currency notes and make it visible the numbers of those currency notes, to use the same as evidence during trial. In case, the negative final report is filed, the trial Court is directed to return the amount to the concerned person, who is entitled to, by making necessary enquiry or directing the parties to approach the Court for declaration of their ownership, and in case, a positive final report is filed, the Court is directed to pass appropriate order at the time of pronouncement of judgment with regard to the ownership of the amount and order for return of the amount together with interest thereon.

5. With the above directions, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY

27th November, 2017

sj