

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.28455 of 2018

ORDER:

This writ petition is filed challenging the action of respondent in addressing a letter dated 10-03-2017 directing the 5th respondent to seize 2000 MTS edible oil in relation to Cr.No.27 of 2015 of Bahadurpura Police Station, which was subsequently transferred to 3rd respondent and renumbered as Cr.No.174 of 2017.

Written instructions are produced by learned Assistant Government Pleader for Home stating that on referring the private complaint filed by V.Venkatesh-4th respondent before the Court of Special Judicial Magistrate of First Class for Excise Cases at Hyderabad, a case in Cr.No.27 of 2015 for the offences punishable under Sections 420, 379 and 407 read with Section 34 IPC on the file of Bahadurpura Police Station and during investigation, the Station House Officer addressed a letter to the Chief Manager, Bank of Baroda, Mumbai Mandavi Branch, Mumbai with a request to freeze the current account of the petitioner. Subsequently, the Investigating Officer also addressed to the 5th respondent to seize edible oil in the storage tank of petitioner- company. Later, the case was transferred to WCO-TEAM-II Central Crime Station, Hyderabad for further investigation. On receipt of said CD file, the same was re-registered as Cr.No.174 of 2017 on the file of WCO-TEAM-II, Central Crime Station and the 3rd

respondent took-up investigation. After recording the statements of witnesses and after conducting investigation, though there is no evidence to frame charge against the accused persons under Section 379 and 420 and 407 IPC notice was also issued to the complainant and the same was served. After that the 3rd respondent filed final report before the XII Additional Chief Metropolitan Magistrate, Namapally, Hyderabad on 27-04-2018 and the same is pending consideration. It is also stated that the seized stocks were lying with the 5th respondent. During investigation, it is found that the accused has not committed any offence mentioned in the FIR. In view of the same, the 3rd respondent has no objection for passing orders by this Court.

Heard both sides.

Learned counsel for the petitioner says that after seizure, the stock was not produced before the concerned Court and application was filed and the same was returned, as the property was not produced before the Court. As such, once final report is filed, the property has to be produced before the concerned Court and the same is to be returned to the petitioner. In the written instructions also it is not stated that the seized property is produced before the concerned Court, it is stated that the same is lying with the 5th respondent and final report is filed as 'lack of evidence'.

In view of the same, there shall be direction to the 5th respondent to release the stocks of the petitioner, which were seized as per letter dated 11-03-2017.

Accordingly, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

17-08-2018
Nvl



