

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.8719 of 2018

ORDER

This petition under Section 482 Cr.P.C., is filed to quash the order dated 18.12.2017 passed in Crl.M.P.No.688 of 2016 in C.C.No.723 of 2017 by the X Additional Chief Metropolitan Magistrate, Secunderabad, declining to return cash of Rs.2,25,000/- to petitioner/de-facto complainant, on the ground that the C.C., is coming up for appearance of the accused and the trial is not yet commenced.

2. The reason recorded by the trial Court is assailed in the petition. However, the petitioner submits that since the amount was kept with the Court deposit, she cannot utilize the same and requested to give interim custody of the same.

3. In view of the request made by the counsel for petitioner and as the reason assigned by the trial Court is not sufficient to deny the request made by petitioner under Section 451 of Cr.P.C, the X Additional Chief Metropolitan Magistrate, Secunderabad, is directed to release the amount to petitioner as interim custody subject to furnishing third party security to his satisfaction and further directed to obtain photostat copies of the currency notes at the cost of petitioner and after obtaining the substituted photostat copies, he shall return the amount to her under proper acknowledgment for identification, in terms of guidelines of Apex Court in **Sunderbai Ambalal Desai v. State of Gujarat**¹.

¹ (2003) SCC (CrL.) 1943

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

17th August, 2018

sj

M. SATYANARAYANA MURTHY, J

