

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

Crl.R.C.No.2876 of 2018

ORDER:

This revision is arising out of the order dated 03.07.2018 passed in Crl.M.P.No.424 of 2018 in Cr.No.5/ACB-CR-1/2018 by the I Additional Special Judge for SPE & ACB Cases-cum-V Additional Chief Judge, CCC, Hyderabad.

2. The petitioner is the Accused Officer. He has filed a petition under Section 451 Cr.P.C. before the Special Judge for ACB Cases, for interim custody of gold ornaments 1 to 24 and other articles 1 to 9. The learned Special Judge has allowed the petition by returning the gold ornaments mentioned at Sl.Nos. 1 to 23 to the petitioner/AO for interim custody on furnishing FDR worth of Rs.10.00 lakhs with one surety for like sum and further the petitioner is directed not to alter or alienate the gold ornaments and shall produce them as and when required by the Court. As far as electronic gadgets mentioned in Sl.No.1 to 9 are concerned, after receipt of the FSL report and with regard to item No.24 LIC Bond Policy No.804132985 and original RC CARD AP 11 EC 1355, the petition was rejected.

3. Heard the learned counsel for the petitioner and learned Spl. Public Prosecutor for ACB Cases appearing for respondent.

4. Learned counsel for the petitioner submits that trial Court has imposed condition of furnishing of FDR worth of Rs.10.00 lakhs for granting interim custody of the property to the petitioner and therefore sought for setting aside the said condition.

5. Learned Special Public Prosecutor has opposed for setting aside the condition imposed by the trial Court.

6. On consideration of the submissions made by both parties, it is obvious that the present revision is filed challenging the condition imposed in the order passed by the trial Court, in the petition under Section 451 Cr.P.C. for grant of interim custody of gold ornaments, directing for return of gold ornaments mentioned at Sl.No.1 to 23 to the petitioner for interim custody on furnishing FDR worth of Rs.10.00 lakhs.

7. The main grievance of the petitioner is that the condition imposed by the trial court is harsh and therefore sought for relaxation of condition of furnishing the FDR worth of Rs.10.00 laksh.

8. In fact, the order passed by the trial Court is an interim measure and the condition imposed by the trial Court amounts to interlocutory order. The petitioner has got a remedy before the same Court seeking for relaxation of condition imposed by the trial Court, if he is agreed by the

aforementioned condition. Therefore, the petitioner is given liberty to approach the trial Court for relaxation of condition, and the trial Court shall consider the same and pass appropriate orders expeditiously.

9. With this observation, this Criminal Revision Case is disposed of.

Miscellaneous Petitions, if any pending, shall stand closed.

Date : 11-12-2018.

Note : C.C. today

(b/o) Gvl

GUDISEVA SHYAM PRASAD, J.

