

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Revision Case No.238 of 2019

ORDER :

Pending disposal of the Crime No.50/2017 of P.S.Cherla of Bhadrachalam district, dated 16.05.2017, where the petitioner who is Manager of Goutham Beedi Company, Mahadevpur Jayashankar Bhupalapalli district, found by the *de facto* complainant and other patrolling police staff of vehicular checking at Taliperu Project Dam area the Bolero vehicle and when stopped and questioned on knowing the identity including of the petitioner who claimed as Manager of the Gowtham Beedi Company at Korutla of Karimnagar district alleged of having rapo with C.P.I. Maoists High Command and from the threats of Naxalites with dire consequences on the life's and to burn their vehicles relating to the Beedi company unless provided money taking towards party fund that was seized which is Rs.20 lakhs and the crime registered is for the offence under Section 386 IPC and 8(i)(ii) of the Telangana State Police Act and Sections 10, 13, 39, 40 of the Unlawful Activities Prevention Act and the petitioner and two other persons in the vehicle were arrested and remanded to judicial custody. The amount is shown drawn Rs.5 lakhs on 04.05.2017 and Rs.15 lakhs on 05.05.2017 from SBH, Korutla. So far as the offence of extortion no way applicable to the three accused persons of the crime who are in fact victims in the hands of the so called C.P.I Maoist party Naxals who were not shown as co-accused if at all for extortion, but for if at all for the other offences covered by the crime supra.

2. The petitioner sought interim custody in CrI.M.P.No.821 of 2017 said seized amount and the learned Magistrate of Special Court for Naxal cases having no jurisdiction over the area concerned, dismissed the

application by impugned order dated 26.12.2017 with observation that as per the disclosure statement of A1, they were transporting amount to hand over to the Maoists and thereby not entitled to the release of the amount, but for to pass appropriate orders after trial.

3. It is same subject matter of impugment saying the amount is for distribution of beedi workers in the forests. It is unbelievable for workers must be in the factory and not in the forests. Leave it if at all any workers employing to collect beedi leaves used to sit at forests they were engaged and the payment for that the amount is taking, that is a different version which is not put forth and there is no necessity to go into that, but for any defence of the accused in the event of any final report filed, however the fact remains that the amount drawn from the bank account of the Gowtham Beedi Company and petitioner is the Manager of the company and the amount is taken by the company employees who are the accused herein even taken for the so called payment to Maoists to averred threat of loss of property and persons of the Gowtham Beedi company they are entitled to the refund unless ultimately comes to the conclusion of the amount also liable to be confiscated to the State.

4. Having regard to the above, instead of locking the amount, the same can be ordered to be released to the petitioner/Manager of the Beedi Company on behalf of the Beedi Company subject to furnishing of bank guarantee.

5. With these observations, the Criminal Revision Case is allowed.

6. Miscellaneous petitions pending if any, in this revision, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:04.04.2019.

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Cr1.R.C.No.238 of 2019



Dated:04.04.2019

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