

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL REVISION CASE No. 855 of 2019

ORDER :

1. The present Criminal Revision Case is filed under Section 397 and 401 Cr.P.C. aggrieved by the order, dated 28.05.2019 passed in CrI.M.P.No.2501 of 2019 in C.C.No.6051 of 2019 on the file of the XII Additional Chief Metropolitan Magistrate, Hyderabad, wherein an application filed under Section 451 Cr.P.C. seeking to return of the cash of RS.70.00 lakhs to the petitioner company, was dismissed.

2. The case of the prosecution is that on 01.12.2018, accused No.3, who is one of the Directors of the petitioner firm and looking after the day-to-day affairs of the petitioner firm, requested accused No.1 to keep the amount of Rs.70.00 lakhs with him till Monday for safe custody as the payment received from some of the debtors could not be deposited in the bank as 02.12.2018 happened to be Sunday and banks are closed. Thereafter, accused No.1 kept the money in the car of the petitioner firm and on 02.12.2018 while he was going to office to clear some pending work at about 11.00 a.m. at P.G.Road, Secunderabad, the police stopped the car and seized the amount from the Car. Basing on the seizure, a case in Crime No.20 of 2019 has been registered. After completion of investigation, the police filed charge sheet, which was taken cognizance as C.C.No.6051 of 2019. During pendency of the C.C., the petitioner firm filed CrI.M.P.No.2501 of 2019 under Section 451 Cr.P.C. seeking return of the cash of Rs.70.00 lakhs towards interim custody. After

considering the rival submissions, the learned Magistrate, dismissed the said petition. Challenging the same, the present revision came to be filed.

3. At the time when the matter is taken up for hearing, learned counsel for the petitioner would submit that the petitioner is in need of the said amount for smooth functioning of the petitioner's business. He further submits that no useful purpose would be served if the seized cash is kept in the court custody. He also submits that the petitioner is ready to furnish the bank guarantee for the said amount.

4. Learned Additional Public Prosecutor opposed the revision.

5. Admittedly, the currency seized is not counterfeit currency notes. Considering the fact that the petitioner firm is a private limited company and the cash seized from the car of the petitioner, and no useful purpose would be served by keeping the money in the Court custody, I am inclined to release the cash on certain terms and conditions.

6. Accordingly, the Criminal Revision Case is disposed of and the learned XII Additional Chief Metropolitan Magistrate, Hyderabad, is directed to return the cash of Rs.70,00,000/- (Rupees Seventy Lakhs only), which was seized in Crime No.20 of 2019 subject to the condition of petitioner furnishing bank guarantee for the said sum to the satisfaction of the XII Additional Chief Metropolitan Magistrate, Hyderabad. The petitioner is directed to produce the bank guarantee for the said amount before the Court below within a period of ten days from the date of receipt of a copy of this order

and on production of such bank guarantee, the Court below is directed to return the cash, seized from the petitioner after recording the currency note numbers into the property register, if not already recorded. Miscellaneous petitions, if any, shall stand closed.

JUSTICE G. SRI DEVI

27.08.2019
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