

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.28171 of 2019

ORDER:

This writ petition is filed to declare action of the third respondent in not accepting the offer made by the petitioner to deposit the advance sale consideration of Rs.3.0 crores received under Agreement of Sale, dated 06.06.2011, executed by the petitioner and the fifth respondent, as illegal, arbitrary and violative of the provisions of the Indian Contract Act, Specific Relief Act and Articles 14, 19 and 21 of the Constitution of India.

2. Heard the learned counsel for the petitioner, learned Assistant Solicitor General for respondent No.1, learned Special Public Prosecutor for respondents 2 and 3 and learned Government Pleader for Home for respondent No.4.

3. The learned Special Public Prosecutor appearing for respondents 2 and 3, by way of letter addressed to the Superintendent of Police, CBI, ACB, 3rd Floor, Kendriya Sadan, Koti, Hyderabad by the Superintendent of Police, CBI, EO-VII, Bhubaneswar vide Ref.No.1017/RC 22/S/2014/CBI/EO-VII/BBS, dated 07.02.2020 enclosed therewith parawise note on W.P.Nos.28227 and 28171 of 2019, a copy of which is placed on record, would submit that the investigation into the case registered against the fifth respondent is subjudice before the Court of learned Special Chief Judicial Magistrate, CBI, Bhubaneswar in the State of Orissa and the petitioner with the permission of the said Court can deposit the money into the account of the CBI maintained with UCO Bank, CRP Hqr. Branch, Bhubaneswar, in connection with the crime registered against the fifth respondent instead of approaching this Hon'ble Court.

4. Having regard to the submissions as made above, since the case is under investigation and subjudice before the learned Special Chief Judicial Magistrate, CBI, Bhubaneswar in the State of Orissa, this Court is of the view that the petitioner would be better advised to approach the said trial Court, which is seized of the matter, seeking permission to deposit the amount, which the petitioner claims to have received from the fifth respondent under an Agreement of Sale dated 06.06.2011 executed by the petitioner and the fifth respondent and deposit the said amount, if permitted by the said Court.

5. Subject to the above, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date:20.02.2020
grk

JUSTICE T.VINOD KUMAR

