

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9885 of 2016

Arising Out of PS. Case No.-83 Year-2013 Thana- FESHAR District- Aurangabad

Deepak Kumar Singh @ Dipak Kumar Singh son of Late Chandra Shekhar Prasad Singh, resident of Mohalla- Chhatrya Nagar, Police Station- Town District- Aurangabad Bihar. Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh, Adv.

For the Opposite Party/s : Mr. R.B. Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

10 14-12-2023 Heard the parties.

2. The present petition has been filed by the petitioner under Section 482 CrPC against the impugned order dated 04.09.2015 passed by Ld. Additional Sessions Judge-2, Aurangabad in Cr. Rev. No. 42 of 2015/ 27 of 2015, CIS No. 65/2015 whereby Ld. Additional Sessions Judge has upheld the order dated 15.05.2015 passed by Sri Sandeep Agnihotry, Judicial Magistrate 1st Class, Aurangabad in Feser PS Case No. 83/2013 whereby prayer of the petitioners, Deepak Kumar Singh and Narendra Kumar Singh to release the mobile and cash of Rs. 1,40,000/- and Rs. 7,53,140/- seized from their house respectively.

3. It further transpires from record that the FIR bearing Feser PS Case No. 83/2013 was lodged by the police for offence punishable under Sections 420, 406, 120(B) of the IPC



and under Sections 16/18/23/30 of the UAP Act against the petitioner and other co-accused and during investigation Rs. 1,40,000/- cash was recovered from the house of the petitioner herein.

4. However, after investigation the police has filed closure report qua the present petitioner and the same has been accepted by Ld. Magistrate. As such, no prosecution was started by the police by way of filing charge-sheet against the petitioner. The matter ended at the stage of investigation. As such, the cash of Rs. 1,40,000/- recovered from the petitioner is in custody of the police. It never came in the custody of the court. It is for the police to release the cash in question to the petitioner. The petitioner should approach the police by way of representation for release of the cash of Rs. 1,40,000/-. Police is duty bound to release the money if not required in any other case. If the police does not release the money without reasonable cause, the remedy of the petitioner lies in Criminal Writ against the police.

5. Hence, I am of considered view that the petition of the petitioner before the Ld. Magistrate was misconceived. Ld. Magistrate has rightly refused to issue any direction to police to release the money, though on different grounds. By the



revisional order which is impugned herein, Ld. Additional Sessions Judge has rightly upheld the order of the Ld. Magistrate.

6. Hence, I do not find any merit in the present petition, which is accordingly is dismissed.

(Jitendra Kumar, J)

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