

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 473 OF 2022

Central Bureau of Investigation .. Applicant
Versus
Suresh Vitthal Kapare .. Respondent

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Ms.Priya Dubey i/b H.S. Venegavkar for the applicant.
Mr.S.R. Agarkar, APP for the State.
Mr.Pravin Dabade i/b Ganesh Patil for respondent n

CORAM: BHARATI DANGRE, J.
DATED : 30th AUGUST, 2023

P.C:-

1 The CBI has called in question the order passed by the Special Judge, CBI on 18/7/2022, when he has granted the Miscellaneous Application u/s.457 of the Cr.P.C, by the accused seeking relief of the freezing the bank accounts belonging to him and his family members.

2 Perusal of the order would reveal that the Special Judge has rightly invoked the provision of Section 18A introduced in Chapter IV-A of the Prevention of Corruption Act, 1988, (for short 'P.C. Act, 1988') by the Amending Act 16 of 2018 with effect from 26/7/2018, as he has specifically recorded

that the FIR being filed in February 2022 i.e. after coming into force of Section 18-A and hence, the case was governed by the said provision.

On this ground, by relying upon the decision of the Apex Court in case of *Ratan Babulal Lath Vs. State of Karnataka, 2021 All SCR (Online) 425*, the attachment of the freezing of the bank account was held to be not sustainable, though liberty was given to the CBI to follow such recourse as is available to it in law.

3 The counsel for the respondent has also placed reliance on record the aforesaid decision, where it is apparent that it is not possible to sustain the freezing of the bank account of an accused facing prosecution under the P.C. Act, 1988 by taking recourse by Section 102 of Cr.P.C, as the P.C. Act is a Code by itself and has been made complete by insertion of Section 18A therein.

Finding no legal infirmity in the impugned order, Revision Application is dismissed.

(SMT. BHARATI DANGRE, J.)