

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

Criminal Petition No. 10130 of 2022

Between:

Smt. S.Geeta Laxmi @ GeethaLaxmi, W/o S.Sreedhar, Aged about 47 years, Occ. Housewife, H.No.1-7-59/A, Road No.14, Chaitanyapuri, Dilshukhnagar, Hyderabad - T.S.

...Petitioner/Defacto Complainant.

AND

1. The State of Telangana, Rep., by Public Prosecutor, High Court at Hyderabad. Through ACB, Mahaboobnagar Range.

...Respondent No.1/Complanant.

2. Shikilambatla Sreedhar, S/o Parshuramulu, Aged about 55 years, Occ. Tahsildar and Joint Sub- Registrar, Marikal, Narayanpet District, R/o H.No.101/A, Near Nalla Janamma Temple, Makthal, Narayanpet District, N/o H.No.1-7-59/A, Road No.14, Chaitanyapuri, Dilshukhnagar, Hyderabad - T.S.

...Respondent No.2/ Accused Officer.

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Quash the orders passed in CrI.M.P.No.298 of 2022 in Cr.No.1/ACB-MBNR/2022, dated 19/01/2022 on the file of I Addl. Special Judge for Trial of SPE and ACB Cases, Hyderabad and consequently grant Interim Custody of 22 gold Ornaments seized in Cr.No.1/ACB-MBNR/2022, dated 19/01/2022 to the Petitioner towards Interim Custody, pending investigation and trial in Cr.No.1/ACB-MBNR/2022, dated 19/01/2022 on the file of I Addl. Special Judge for Trial of SPE and ACB Cases, Hyderabad.

I.A. NO: 1 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to set aside the orders passed in CrI.M.P.No.298 of 2022 in Cr.No.1/ACB-MBNR/2022, dated 19/01/2022 on the file of the I Addl. Special Judge for Trial of SPE and ACB Cases, Hyderabad.

I.A. NO: 2 OF 2022

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant Interim Custody of 22 gold Ornaments seized in Cr.No.1/ACB-MBNR/ 2022, dated 19/01/2022 to the Petitioner towards Interim Custody, pending disposal of above Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri P.Vamsheedhar Reddy, Advocate for the Petitioner and of Sri Sridhar Chikyala (SC SPL PP ACB TS) on behalf of the Respondent No.1 and of the Respondent No. 2 not appearing in person or through his counsel.

The Court made the following: **ORDER**

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.10130 OF 2022****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner to set aside the order passed in Crl.M.P.No.298 of 2022 in Cr.No.1/ACB-MBNR/2022, dated 19.01.2022 by the I Additional Special Judge for Trial of SPE & ACB Cases; Hyderabad and consequently grant interim custody of 22 gold Ornaments seized in Cr.No.1/ACB-MBNR/2022, dated 19-01-2022 to the petitioner towards Interim Custody; pending investigation and trial in Cr.No.1/ACB-MBNR/2022, dated 19-01-2022 on the file the I Additional Special Judge for Trial of SPE & ACB Cases, Hyderabad.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent – State. Perused the record.

3. The petitioner – *de facto* complainant is the wife of 2nd respondent – accused, who is facing investigation for being in

possession of disproportionate assets. During the course of search, ACB authorities seized the articles which are jewellery of the petitioner herein i.e., items in Sl.No.1-22. The said valuation of the ACB is Rs.2,98,200/-.

4. According to the learned counsel for the petitioner, the petitioner has no jewellery and entire jewellery what she was wearing was seized during the search by ACB.

5. In the said circumstances, this Court deems it appropriate to direct return of Article Nos.1 to 22 mentioned in the order dated 10.08.2022 in Crl.M.P.No.298 of 2022, by furnishing a surety for an amount of Rs.2,00,000/- (Rupees Two Lakhs only), on the condition that the said jewellery will not be disposed off in any manner or altered in any manner.

6. With the above observation, the Criminal Petition is disposed off.

Miscellaneous applications pending, if any, shall stand closed.

Sd/- G. SIREESHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Addl. Special Judge for Trial of SPE and ACB Cases, Hyderabad.
2. The Station House Officer, ACB Police Station, Mahabubnagar.
3. One CC to Sri P.Vamsheedhar Reddy, Advocate [OPUC]
4. One CC to Sri Sridhar Chikyala (Spl. Public Prosecutor for ACB TS) [OPUC]
5. Two CD Copies

JCK



HIGH COURT

DATED: 21/03/2023



ORDER

CRLP.No.10130 of 2022

Disposing of the Criminal Petition.

⑨ vw
12/4/23