

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

240

CRM-M-28713-2017

Date of Decision.: 16.02.2023

Amarjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Monty Goyal, Advocate for the petitioner.

Mr. Parneet Singh Pandher, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of impugned order dated 22.05.2017 (Annexure P-4) passed by Learned Judicial Magistrate First Class, Ludhiana whereby application for release of the case property has been declined.

It is revealed that in a trial arising out of FIR No.83 dated 31.08.2014 registered at Police Station Dugri, District Ludhiana under Sections 420 & 120-B of the IPC and Section 13-A of Public Gambling Act, 9 accused including petitioner Amarjit Singh were tried.

Learned Judicial Magistrate 1st Class, Ludhiana vide his judgment dated 26.03.2015 convicted petitioner Amarjit Singh besides Sandeep Kumar @ Sonu and Jagdish Singh @ Bittu under Section 13-A of the Public Gambling Act. They were sentenced separately. In the appeal filed by the appellant, acquittal was recorded by Learned Additional Sessions Judge, Ludhiana vide judgment dated 23.12.2016 (Annexure P-2) and it was clearly directed that case property except the currency notes be confiscated to the State. It was directed that currency notes were to be dealt with as per law after the lapse of period of appeal and revision, if any. It

is conceded fact that respondent – State did not file any revision against the judgment of acquittal as recorded by Learned Sessions Judge, Ludhiana.

During investigation an amount of ₹13,80,000/- has been recovered from the petitioner Amarjit Singh whereas ₹8,000/- from Sandeep Kumar and ₹5,000/- Jagdish Singh @ Bittu were recovered.

After the judgment of acquittal in his favour, petitioner applied for release of the amount of ₹13,80,000/- but Learned Judicial Magistrate 1st Class vide impugned order dated 22.05.2017 declined the application on the ground that applicant could not show the amount belonging to him.

In the considered opinion of this Court the impugned order is quite illegal and perverse. It was the own case of the prosecution that amount of ₹13,80,000/- had been recovered from the possession of the petitioner which had been taken into possession during investigation.

Therefore, the impugned order is hereby set aside. An amount of ₹13,80,000/- is directed to released to the petitioner with immediate effect.

Petition allowed accordingly.

February 16, 2023

Neetika Tuteja

**(DEEPAK GUPTA)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No