



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Revision Application [REVN] No.260 of 2022

Akhilesh s/o Krishnakumar Choube & another

vs.

C.B.I. (A.C.B.), Nagpur, through Dy,. Superintendent of Police, CBI (ACB), Nagpur

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. R.M. Tahaliyani, Advocate for the Applicants.

Mr. P.K. Sathaianathan, Advocate for the Non-Applicant.

CORAM : M.W. CHANDWANI, J.

DATE : 15th MARCH, 2024.

Heard the learned Counsel for the applicants as well as the learned Counsel appearing on behalf of the non-applicant.

02] **Admit.**

03] By the impugned order, the learned Special Judge rejected the application of the applicants for returning of original documents, such as Sale-deeds, LIC Policy Documents, Jewelry Bills, 7/12 Extract, particularly mentioned in paragraph 3 of the application.

04] It appears that the applicants are being prosecuted for the offence punishable under Section 7(a) of the Prevention of Corruption Act, 1988 (hereinafter referred to as "the Act" for short) on the allegation of demand of bribe. It appears that during investigation, the documents, as mentioned above, have been seized.

05] It is submitted on behalf of the learned Counsel for the non-applicant that no open enquiry is being conducted against the applicants for the offence of holding disproportionate assets.

06] There is no reason to hold the documents of title, such as sale-deeds and other documents, which are sought by the applicants. As those documents will not help in the trial to decide, whether the applicants have committed offence of demand of bribe. The applicants are in need of those documents. Therefore, the impugned order needs to be set aside. Hence, the following order :

ORDER

- I. Impugned order dated 26/07/2022 passed by the Special Judge (C.B.I.) and Additional Sessions Judge, Nagpur below Spl.Cri.Mis.Application No.9/2022 (Exh.1) is hereby set aside.
- II. Spl.Cri.Mis.Application No.9/2022 (Exh.1) is allowed.
- III. The documents, as mentioned in paragraph 3 of the application (Exh.1), be handed over to the applicants on their furnishing a usual undertaking that the applicants shall produce the same as and when required for trial.
- IV. Before handing over the said documents, copies of the same shall be kept on record.
- V. The present civil revision application is allowed and disposed of accordingly.

JUDGE