

HIGH COURT FOR THE STATE OF TELANGANA

MONDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE
PRESENT

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION NO: 1426 OF 2025

Between:

Sri Y. Gopi Rao, S/o Late Sri.Y. Shankar Rao, Aged.50 years, Occ. Director of Rozor Gaming Private Limited, Hyderabad Race Club, R/o H. No.1-1-156, Alexander Road, beside Yashoda Hospital, Secunderabad.

...Petitioner/accused(s)

AND

1. The State of Telangana, through, P.S Chaderghat, Hyderabad, Rep by Public Prosecutor.
2. Sri. S Krishnam Raju, Sub-Inspector of Police, PS Chaderghat, Hyderabad.

...Respondent/Complainants

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings in Crime No. No.375 of 2023 pending on the VIII Addl. Chief Metropolitan Magistrate against the Petitioner.

I.A. NO: 2 OF 2025

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all the proceedings in Crime No. No.375 of 2023 pending on the VIII Addl Chief Metropolitan Magistrate against the Petitioner.

I.A. NO: 3 OF 2025

Petition under Section 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to direct the Respondent to release the money amounting to Rs. 9,30,960/- (Rupees Nine Lakhs Thirty Thousand Nine Hundred and Sixty Only) against the Petitioner.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri R ANURAG, Advocate for the Petitioner and Sri V.Jithender Rao, the Public Prosecutor (TG) on behalf of the Respondent No.1 and none appeared for the Respondent No.2.

The Court made the following: ORDER

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.1426 of 2025

ORDER:

This Criminal Petition is filed by the petitioner-accused seeking to quash the proceedings against him in Crime No.375 of 2023 on the file of the Station House Officer, Chaderghat Police Station, Hyderabad, registered under Section 102 of the Code of Criminal Procedure (for short 'Cr.P.C.').

02. Heard Sri R. Anurag, learned counsel for the petitioner and Sri V. Jithender Rao, learned Additional Public Prosecutor for the State.

03. The brief facts of the case are that on 09.10.2023, the Police checked the vehicle of the petitioner and found an amount of Rs.9,30,960/- and seized the said amount and registered the above FIR. The petitioner had filed an application vide CRL.M.P.No.968 of 2023 before the learned **VIII** Additional Chief Metropolitan Magistrate, Hyderabad seeking interim custody of seized amount. The said application was dismissed vide Order dated 11.01.2024.

04. Learned counsel for the petitioner contended that the seized cash has no nexus with any crime. The petitioner during the course of business activity, deposits high amounts in the bank account. The learned trial Court ought to have appreciated the bank statement of the petitioner. The release of the amount would not cause any prejudice to the investigation or trial. Hence, he prayed for grant of interim custody of the seized amount to the petitioner.

05. Learned Additional Public Prosecutor for the State has submitted that the petitioner failed to produce proper evidence regarding the seized amount and thereby prayed to dismiss this petition.

06. Having regard to the submissions made on either side, and on perusal of the record, it is apparent that the petitioner was carrying the said amount in connection with his business activities and that he was not in a position to deposit the amount in the bank as it was received after the working hours of the bank. The learned trial Court while refusing to grant the custody of the seized amount, did not specify any cogent reasons in support of its findings. However, it is not the case of the prosecution that the seized amount pertains to

any crime. Therefore, this Court is of the considered opinion that the seized amount of Rs.9,30,960/- can be granted towards interim custody to the petitioner. The learned trial Court shall handover the seized currency notes to the petitioner as per the description of the case property, on filing proper proof and acknowledgment.

07. Accordingly, with the above observations, the Criminal Petition is disposed of.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Sd/- MOHD. ISMAIL
ASSISTANT REGISTRAR

Note: This order is amended as per the Court order dated 18.03.2025 made in I.A.No.4 of 2025 in CrI.P.No.1426 of 2025 by modifying the name of the court as "VIII Additional Chief Metropolitan Magistrate" instead of "VII Additional Chief Metropolitan Magistrate" in Para No.3.

This amended copy substitutes the earlier order dispatched on 15.03.2025

Sd/- MOHD. ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VIII Addl. Chief Metropolitan Magistrate, at Hyderabad.
2. The Station House Officer, P.S Chaderghat, Hyderabad.
3. Two CC to Public Prosecutor, High Court for the State of Telangana, at Hyderabad (OUT)
4. One CC to SRI. R.ANURAG, Advocate [OPUC]
5. **Two CD Copies**

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HIGH COURT

JS,J

**DATED: 03/02/2025
18/03/2025**



AMENDED ORDER

CRLP.No.1426 of 2025

DISPOSING OF THE CRIMINAL PETITION

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