

(1995) 09 AHC CK 0089

In the Allahabad High Court

Case No : Criminal Miscellaneous C. No. 576 of 1994

Dheerajlal M.Kothari

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 04-09-1995

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 442, 452

Citation : (1995) 09 AHC CK 0089

Hon'ble Judges : A.N.Gupta, J

Final Decision : Disposed Of

Judgement

A. N. Gupta, J.—On 27th September, 1991 at 11.30 a.m. the applicant of this petition under Section 482, CrPC lodged an FIR against two unknown persons under Section 392, IPO at P.S. Aliganj, Lucknow being crime No. 413 of 1991 alleging that on 27/9/1991 at 10.45 a.m. when the applicant was going to Bank of India situated on Kapurthala crossing for depositing Rs. 2,00,000 in cash there and when he was going through stairs he was pushed down by two unknown persons and in the process those two unknown persons ran away with the bag containing the said cash. The applicant was able to get hold of spectacles and some paper of one of those disentwined persons containing identity card with photo. During the course of investigation Rs. 63,000 were recovered which is now the case property.

2. According to learned counsel for the applicant although four years have passed but even charges have not been framed in the case. The applicant moved an application before learned Magistrate for release of the recovered money i.e. Rs. 63,000 which has been rejected by learned Magistrate vide its order, dated 22/9/1993 against which this revision has been preferred.

3. It was stated by learned counsel for the, applicant that the recovered money is in the shape of bundles of currency notes of Rs. 100 and 50. In cash bundle first and the last currency notes was initialed by the applicant. The trial has not yet commenced and the money is lying unutilised. It is no doubt true that it is a

case property which" will be required at the time of evidence, Therefore, in these circumstances this petition under Section 482, CrPC is allowed with the directions that out of each bundle of the recovered currency notes the first and foe last currency notes not be returned to the petitioner and case property notes, copy of note got petitioner cant. Except for the first and the last currency note of each bundle, rest shall be returned to the applicant after photo copies have been prepared as mentioned above and on furnishing a personal bond.

4. With these observations and directions, the petition under Section 482, Cr PC is finally disposed of.