
(2013) 06 JH CK 0075

In the Jharkhand High Court

Case No : Criminal Revision No's. 132 of 2011 with I.A. No. 3292 of 2013

Hemant Kumar Sinha and Another

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 27-06-2013

Acts Referred:

Citation : (2013) 4 JLJR 143

Hon'ble Judges : Harish Chandra Mishra, J

Bench : Single Bench

Advocate : A.K. Sahani, for the Appellant; Mukesh Kumar, K.P. Deo, Nehala Sharmin and M.L.K. Chitra for the Intervenors, for the Respondent

Judgement

Harish Chandra Mishra, J.—Both these revision applications have been filed against the same impugned order and as such they are disposed of by this common order. Heard learned counsel for the petitioners and learned A.P.P. for the State, also the learned counsel for the intervenors-petitioners in I.A. No. 3292 of 2013, which has been filed by 253 persons objecting the prayer of the petitioners.

2. The petitioners, in both these cases, are aggrieved by the order dated 1.2.2011 passed by the learned Chief Judicial Magistrate, Ranchi, in Doranda (Argora) P.S. Case No. 281 of 2010 corresponding to G.R. No. 3474 of 2010, whereby the application filed by the petitioners for releasing the cash, bank passbooks, cheque books and laptops etc., in favour of the petitioners, has been rejected by the Court below stating that the matter was still at the investigation stage. It may be stated that during pendency of this revision application, some interlocutory applications have been filed by private persons, which were allowed by this Court by order dated 2.4.2013 in I.A. No. 1109 of 2011 in Cr. Revision No. 165 of 2011, as also by order dated 27.2.2013 in I.A. No. 1115 of 2011, whereby the intervenor-petitioners were allowed to be added as opposite parties in these applications.

3. Again one I.A. No. 3292 of 2013 has been filed in Cr. Rev. No. 132 of 2011 by 253 persons claiming to be investors in the M/s. M.S.S. & Health Care Ayurvedic Trust. In view of the fact that the main applications are being disposed of by this Court, no order need be passed separately in the said I.A. No. 3292 of 2013.

4. From perusal of the record, it appears that the petitioners have been made accused in Doranda (Argora) P.S. Case No. 281 of 2010 corresponding to G.R. No. 3474 of 2010, on the written information given by informant alleging that the petitioners, who are the office bearers of M/s. M.S.S. & Health Care Ayurvedic Trust, Ranchi, through their agents, collected Rs. 3,000/- each from several persons with assurance of giving high returns within a very short period. The case was instituted and the office of the said trust was raided by the police and one Maruti vehicle, passbooks, cheque books and other documents and laptops were seized, besides heavy amount of cash. The petitioners were also made accused in this case.

5. The petitioners thereafter filed their application for release of the seized articles and by order dated 1.2.2011, the learned Chief Judicial Magistrate, though directed to release the vehicle, seized in connection with this case in favour of its owner, Gorakh Bhagat on furnishing sureties and bonds, but so far as the prayer for release of the heavy amount of cash is concerned, the same was rejected by the Court below stating that the matter was still in investigation stage and it cannot be said that the same belonged to the petitioners, as the cash were of the investors and the police was yet to establish as to who were the investors in the Trust. On the similar ground, the prayer for release of the bank passbooks, cheque books and laptops, was also rejected by the Court below, as the same might be required in investigation of the case.

6. Learned counsel for the petitioners has submitted that the impugned order passed by the Court below is absolutely illegal and in view of the fact that the cash and other articles were seized from the office of the trust, the petitioners being the office bearers, the same may be released in favour of the petitioners.

7. Learned A.P.P. for the State has opposed the prayer.

8. In the facts of the case, I find that the Court below has assigned cogent reasons for refusing to release the cash, bank passbooks, cheque books and other seized articles in connection with this case, inasmuch, as the investigation of the case was still going on.

9. In that view of the matter, I do not find any illegality and/or irregularity in the impugned order passed by the Court below, rejecting the prayer of the petitioners. There is no merit in these revision applications, and the same are, hereby, dismissed. Consequently, I.A. No. 3292 of 2013 also stands disposed of. It goes without saying that the petitioners may renew their prayer in the Court below at the appropriate stage and the investors opposite parties, as also the petitioners of I.A. No. 3292 of 2013, and persons claiming to be the investors in the Trust, may oppose the prayer of the petitioners in the Court below and the

Court below shall pass appropriate orders in accordance with law.