
(2003) 04 DEL CK 0060

In the Delhi High Court

Case No : Criminal Misc. (Main) No. 694 of 2003

Jai Prakash Narain Singh

APPELLANT

Vs

Central Bureau of Investigation

RESPONDENT

Date of Decision : 23-04-2003

Acts Referred:

Citation : (2003) 3 CCR 1 : (2003) 104 DLT 592 : (2003) 69 DRJ 275 : (2003) 2 JCC 983

Hon'ble Judges : B.N. Chaturvedi, J

Bench : Single Bench

Advocate : Sidharth Luthra, for the Appellant; H.J.S. Ahluwalia, for the Respondent

Judgement

B.N. Chaturvedi, J.

Crl M.(M) No. 694/2003 & Crl M. 919/2003 :

1. Challenge in present petition is directed against an order dated 14.2.2003 of the learned Special Judge declining the application made by the petitioner for release of cash amount of Rs. 2,88,500/- recovered from his premises on a raid by the CBI in connect on with a corruption case registered against Shambhu Prasad, brother of the petitioner. Apart from the aforesaid cash amount, some jewellery items were also seized in the course of raid by the CBI. The jewellery items were directed to be released to the petitioner by the impugned order. However, the release of cash amount was refused on the ground that in the event of that amount being proved to be ill-gotten wealth, the same would be liable to be forfeited to the State.

2. Counsel for the petitioner pleads that the petitioner is to get his daughter married and in that connection he requires the said amount. It is submitted that in case he is, ultimately, required to refund the amount so released to him, he is prepared to do so and for that purpose he is ready to execute an indemnity bond to the extent of the amount to be released.

3. According to the prosecution, the aforesaid amount, in addition to jewellery items, was seized from the premises of the petitioner as the CBI suspected the same to belong to Shambhu Prasad, brother of the petitioner, who happens to be an accused in R.C. No. ACB 2002/A002, CBI/ACB II/New Delhi u/s 13(1)(e) of Prevention of Corruption Act, 1988.

4. Until it is established that the amount so recovered from the premises of the petitioner actually belongs to his brother Shambhu Prasad, merely on the basis of suspicion, it may not be just and proper to decline the use of that money by the petitioner by ordering release thereof. In the circumstances, the impugned order dated 14.2.2003 refusing release of the cash amount to the petitioner pending trial is set aside. The petition is allowed and the amount of Rs. 2,88,500/- together with interest accruing thereon, in view of the same being kept in fixed deposit, is ordered to be released to the petitioner on his furnishing an indemnity bond to the extent of the amount being released for refund thereof, in case so required, to the satisfaction of the learned Special Judge.

The petition stands disposed of.

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