
(2021) 07 TEL CK 0025
In the Telangana High Court
Case No : Criminal Revision Case No. 332 Of 2019

Krishnaveni

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 20-07-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 397, 401, 451
Prevention Of Corruption Act, 1988 — Section 13(1)(d), 13(2)

Citation : (2021) 07 TEL CK 0025

Hon'ble Judges : G. Sri Devi, J

Bench : Single Bench

Advocate : K Surender

Final Decision : Allowed

Judgement

The present Criminal Revision Case is filed, under Sections 397 and 401 Cr.P.C. aggrieved by the order, dated 08.03.2019, passed in CrI.M.P.No.896

of 2018 in Cr.No.7/RCO-ICU-ACB/2018, on the file of the Principal Special Judge for SPE and ACB Cases, City Civil Courts, Hyderabad, wherein

the application filed by the revision petitioner/third party (hereinafter referred to as the revision petitioner) to defreeze his bank accounts and to

return the documents, was dismissed.

Brief facts of the case are that the revision petitioner filed CrI.M.P.No.896 of 2018, under Section 451 of Cr.P.C., seeking to defreeze the S.B

Account bearing No.62233791608 of State Bank of India, Kamareddy Branch to her. The averments in the said petition disclose that the revision

petitioner is a business woman running a fair price shop since five years and she is having an independent source of income and also having S.B.A/c

No.62233791608 with State Bank of India, Kamareddy Branch. It is further

stated that purporting to the investigation in the above crime, the Investigating Officer conducted searches at the house of the revision petitioner and instructed the Manager of State Bank of India, Kamareddy Branch to freeze the above said account, due to which the revision petitioner is facing untold hardship to carryout her business and to meet her day-to-day necessities. It is further stated that the revision petitioner is in no way concerned or connected with the case registered against the 2nd respondent/AO-2.

The 1st respondent/complainant filed counter before the Court below stating that the revision petitioner is suspected to be a benami of the 2nd respondent and the main case was registered against the 2nd respondent for the offence punishable under Section 13 (1) (d) read with Section 13 (2) of the Prevention of Corruption Act, 1988 and that the Investigating Officer is having objection to defreeze the accounts and return the documents mentioned in the petition. It is also stated in the counter that on enquiry, the 2nd respondent stated that he is having seven other properties at various places on his name and in the name of his family members and kept the original documents with his childhood friend i.e., husband of the revision petitioner herein. During the searches, the documents pertaining to all the seven properties belonging to the 2nd respondent and his family members were found in the residence of the revision petitioner, which clearly goes to show the nexus between them and as such all the documents were seized and produced in the Court. It is further stated that the Investigating Officer also found a SB A/c.No.62233791608 of State Bank of India, Kamareddy branch with an outstanding balance of Rs.4,42,257.50, for which she could not give probable and convincing explanation. Therefore, the Investigating Officer sent a requisition to the concerned bank to freeze the account as the revision petitioner is suspected to be a benami to the 2nd respondent. It is also stated that the case is under investigation and at this stage, defreezing of the said account is not possible as the revision petitioner may withdraw or divert the amount and, therefore, prayed to dismiss the petition.

After considering the rival submissions and the material available on record, the trial Court dismissed the said petition. Challenging the same, the present Criminal Revision Case is filed.

Heard learned Counsel appearing for the revision petitioner and the learned

Special Public Prosecutor for ACB appearing for the 1st respondent/complainant.

Learned Counsel for the revision petitioner would submit that the learned Special Judge failed to consider that the crime was registered on 06.06.2018

and the accounts were freezed immediately. Though there is lapse of ten months, the A.C.B. has failed to establish any nexus or that the money

belongs to the accused. Admittedly, the revision petitioner has her own business and on an assumption the third party cannot be penalized. It is further

submitted that the learned Special Judge erred in refusing to defreeze the accounts without giving any valid reasons except stating that the case is

under investigation. He further submitted that no useful purpose would be served and no prejudice would be caused to the 1st respondent/complainant

if the bank account of the revision petitioner is defreezed.

Learned Special Public Prosecutor appearing for the 1st respondent/complainant would submit that a criminal misconduct case was registered against

the 2nd respondent herein and during the search of his house, the 2nd respondent had stated that he is having seven other properties at various places

on his name and on the name of his family members and he has kept all the original documents of the said properties with the husband of revision

petitioner and the same were found in the residence of the revision petitioner, which clearly goes to show that the revision petitioner is a benami of the

2nd respondent. He further submits that on enquiry, the revision petitioner failed to give probable and convincing explanation with regard to the source

of huge amount credited to her bank account. He also submits that the investigation is still pending and hence the account cannot be defreezed till the

completion of the investigation. He further submitted that the revision petitioner and her husband are well aware about the illegal activities and

acquisition of the properties by indulging in corrupt and illegal practices of the 2nd respondent and that they facilitated him to divulge the monies to

them. Therefore, it shows that there is a nexus between the 2nd respondent and the family of the revision petitioner and as such the trial Court has

rightly dismissed the application.

A perusal of the material available on record would show that the statement of the bank account of the revision petitioner vide A/c No.62233791608

with State Bank of India, Kamareddy Branch, was already secured by the 1st

respondent/ complainant from the bank. Admittedly, the revision petitioner is a third party and no crime has been registered against her. Whether the amount deposited in the bank account of the revision petitioner is connected to the outcome of the illegal gratification of the 2nd respondent/ Accused Officer, if any, could be proved from the entries made in the bank accounts and hence there is no need to freeze the bank account, as already the statement of the bank account of the revision petitioner was secured by the 1st respondent/complainant.

Moreover, the gold ornaments that were seized in the house of the 2nd respondent/Accused Officer, were returned to the wife and daughter-in-law of the 2nd respondent on the applications made by them before the learned Special Judge vide orders dated 03.02.2020 passed in CrI.M.P.No.70 of 2020 and CrI.M.P.No.71 of 2020 respectively. Further, no incriminating material was found by the Investigating Authorities with regard to the transactions between the 2nd respondent and the revision petitioner, even after freezing of the bank account of the revision petitioner and as such the question of freezing the bank account of the revision petitioner may not be necessary for the purpose of the case.

Having regard to the facts and circumstances of the case, the order under challenge is set aside and the trial Court is directed to defreeze the Savings Bank account No.62233791608 with State Bank of India, Kamareddy Branch, subject to the revision petitioner furnishing a bond equal to the amount in the credit of her account as on the date of freezing.

Accordingly, the Criminal Revision Case is allowed.

Miscellaneous petitions, if any, pending, shall stand closed.