
(2000) 03 AHC CK 0129
In the Allahabad High Court
Case No : Criminal Revision No. 1395 of 1998

Mahabir Prasad Yadav

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 16-03-2000

Acts Referred:

Citation : (2001) 1 ACR 406

Hon'ble Judges : Krishna Kumar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Krishna Kumar, J.—This revision has been filed against order dated 19.8.1997, whereby the application for releasing of property was rejected. Proceedings were drawn against the revisionist for keeping the property disproportionate to his income by C.B.I. and during search property allegedly belonging to the revisionist was seized. It was contended by the learned Counsel for the revisionist that the jewellery which was found in the locker belonged to his daughter Smt. Niloo and the Indira Vikas Patra actually belonged to Smt. Pramila Arora. From the application itself, it is clear that the said locker belonged to Smt. Manorama wife of the revisionist and Niloo Yadav daughter of the applicant jointly. Learned Counsel for the opposite parties contended that the relevant fact for consideration is that no such application was moved by Niloo Yadav or by Smt. Pramila Arora. If the property belonged to them, the said persons must have come forward to move application before the Court stating their facts and with prayer that the property be released in their favour. The fact that the application for releasing the property has been moved by the applicant himself suggest that the property belonged to him and the allegations made are not correct. It may be stated that there was no ostensible reason for Smt. Pramila Arora to give Indira Vikas Patra to the applicant. Learned Counsel for the revisionist contended that the jewellery may be released in favour of Smt. Niloo Yadav and the Indira Vikas Patra be released in favour of Smt. Pramila Arora.

However, as no such prayer has been made by these persons to the Court below, the property cannot be released in their favour by this Court. Learned Counsel for the revisionist contended that three years had passed in 1997 but the investigation was not completed. Again this point is not of much relevance at this stage. Learned special Judge, therefore, committed no illegality in passing the impugned order and there is no force in this revision. However, it is made clear that if any application is moved by Smt. Pramila Arora or by Smt. Niloo Yadav, the learned lower court may consider the matter afresh.

2. With these observations, the revision is dismissed.