**(2026) 01 JH CK 1654**

**In the Jharkhand High Court**

**Case No :** Criminal Miscellaneous Petition No. 2064 Of 2020

Rajesh Kumar — APPELLANT

Vs

Union Of India through Central Bureau of Investigation — RESPONDENT

**Date of Decision :** 21-01-2026

**Acts Referred:**

Code of Criminal Procedure, 1973 — Section 102, 102(3), 105A, 105(D)(2), 105(E), 452
Indian Penal Code, 1860 — Section 109
Prevention of Corruption Act, 1988 — Section 13(1)(e), 13(2), 18

**Citation :** (2026) 01 JH CK 1654

**Hon'ble Judges :** Sanjay Kumar Dwivedi, J

**Bench :** Single Bench

**Advocate :** Jitendra Shankar Singh, Deepak Kumar Bharati

**Final Decision :** Dismissed

# Judgement

Sanjay Kumar Dwivedi, J

1. Heard Mr. Jitendra Shankar Singh, learned counsel for the petitioners and Mr. Deepak Kumar Bharati, learned counsel for the CBI.

2. This petition has been filed for quashing of the order dated 02.03.2020 passed in R.C. Case No.10(A)/2015-R vide Misc. Criminal Application No.158 of 2020 by learned Special Judge, CBI, Ranchi, whereby the learned Court has been pleased to reject the prayer of the petitioners for de-freezing the bank accounts of the petitioners which were freezed in connection with aforementioned case.

3. Mr. Jitendra Shankar Singh, learned counsel appearing for the petitioners submits that the FIR has been registered by the CBI against Rajesh Kumar, who was posted as Executive Engineer in CPWD at Ranchi alleging acquired pecuniary resources and property disproportionate to his known sources of income to the tune of Rs.1,36,26,870/- during the period of 01.04.2009 to 31.03.2014 for

 

which he cannot satisfactorily account for and it has been further alleged that during the aforesaid period Rajesh Kumar has acquired moveable and immovable assets worth of Rs.1,73,39,205/- in his own name and of his family members.

4. Learned counsel appearing for the petitioners further submits that CBI made a search on 30.09.2015 in the house of the petitioners and bank locker of the petitioners have been freezed. He then submits that after investigation charge-sheet has been submitted on 30.08.2018 vide charge sheet No.04/2018 before the learned Court and the learned Court has been pleased to take cognizance on 31.08.2018 under Section 13(2) and 13(1)(e) of Prevention of Corruption Act, 1988 against petitioner No.1 and under Section 109 of Indian Penal Code against petitioner No.2 namely Anamika Kumari, who happened to be wife of petitioner No.1. In these backgrounds, he submits that the petition has been filed to de-freeze the bank account of the petitioners which has been rejected by the learned Court. By way of drawing the attention of the Court to Chapter VII(A) of Code of Criminal Procedure, he submits that by the said chapter procedure for attachment and forfeiture of property has been made. He refers to Section 105-D and submits that if any unlawful acquired property is the subject matter the police officer, not below the rank of Sub- Inspector, can take all the steps. He also submits that in light of sub-section 2 of Section 105(E) seizure or attachment of property are required to be done within 30 days of the seizure in light of sub- section 1 of the said section the Court confirmation is necessary. He submits that there is no order of Court confirmation and in view of that the order of learned Court is not in accordance with law. He also submits that cheque period is 01.04.2009 to 31.03.2014 however the property thereafter has also been freezed. On these grounds, he submits that the said order may kindly be quashed and the bank account may kindly be de-freezed.

5. On the other hand, Mr. Deepak Kumar Bharati, learned counsel appearing for the CBI opposes the prayer and submits that the charge-sheet has been submitted and the petitioners have found to be having dis-proportionate property to the tune of Rs.1,36,26,870/- and the case has been registered against the petitioner No.1 under Section 13(1)(E) of Prevention of Corruption Act. He submits that the said seizure is the evidence of CBI and that evidence cannot be released in favour of the petitioner at this stage. He further submits that the remedy of the petitioners is there in light of Section 452 of Cr.P.C. once the trial is concluded and the procedure is described therein how the property has to be dealt with after the conclusion of the trial. He then submits that the provision of attachment is also made under Section 102 of Cr.P.C. and the said has been made pursuant to the direction made by the Superintendent of Police in light of Section 18 of Prevention of Corruption Act. He next submits that even if there is minor discrepancy in the investigation that cannot be a ground of releasing of the said evidence at this stage and that can be only after conclusion of the trial. On these grounds, he submits that this petition may kindly be dismissed.

 

6. The petitioner is facing trial in a case of disproportionate assets and in the FIR the allegation is made of acquiring pecuniary resources and property disproportionate to his known sources of income to the tune of Rs.1,36,26,870/- during the period of 01.04.2009 to 31.03.2014 for which he cannot satisfactorily account for ,however, now the charge-sheet has been submitted wherein that figure has come to the tune of Rs.92,73,838/-. The case is registered under Section 13(1)(e) of Prevention of Corruption Act and Section 109 of Indian Penal Code. Section 18 of Prevention of Corruption Act authorize the Superintendent of Police to handover the power to inspect bankers book to another police officials. In the FIR itself, the then Superintendent of Police CBI has authorized one Ashish Anand, Inspector of Police, CBI to conduct the investigation, thus Section 18 of the Prevention of Corruption Act has been complied with. The seizure has been made in the year 2015 wherein such argument before this Court of non-compliance of sub-section 2 of Section 105(E) of Cr.P.C. has been made for the first time in the present proceeding and this point has not been argued before the learned Special Judge, CBI, Ranchi. In the impugned order, which is the subject matter of the present Cr.M.P., the procedure is described and dealt with. The property can be dealt with after conclusion of the trial under Section 452 of Cr.P.C. and once the trial is concluded the accused is acquitted how the property has to be dealt with that procedure are described therein and that stage has not come as yet and the trial is still pending and that is said to be evidence of the CBI in the said trial. Further sub- section 3 of Section 102 of Cr.P.C. is directory in nature and once the Court has been informed for freezing of the bank account the requirement of statue stands fulfilled.

7. In light of Chapter VII-A, the definition under Section 105A, it transpires that it is meant for the country placed outside India invested by pitch of arrangement by the Central Government of such country or with the Government to treaty or others and in view of the definition itself, this chapter is meant for the country or placed outside India and in view of that this chapter is not attracted in the case in hand as the case is arising in India only and there is no other country involved. As such, the argument of learned counsel appearing for the petitioners with regard to sub-section 2 of Section 105(E) of Cr.P.C. is not made out.

8. In light of above discussion, reasons and analysis no case of interference is made out. This petition is dismissed..