

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE TWENTY SIXTH DAY OF NOVEMBER,

TWO THOUSAND AND TWENTY

: PRESENT:

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

CRIMINAL PETITION NO: 4732 OF 2020

Between:

K.Praveena, W/o. Late K.V.Subramanyam, Aged about 33 Years, R/o. Pirjalipeta,
Venkatagiri Town, Nellore District.

...Petitioner/Wife of Accused No.2

AND

The State of Andhra Pradesh, Rep. by the Station House Officer, Venkatagiri P.S.,
S.P.S.Nellore District, Rep. by the Public Prosecutor, High Court of A.P.,

...Respondent

Petition under Section 482 r/w 451 of Cr.P.C, praying that in the circumstances stated in the memorandum of grounds filed in the Criminal Petition, the High Court may be pleased to Order the release of the Amount of Rs.5,34,000/- seized from the Accused No.2 during the arrest of the Accused No.2 under the cover of seizure report.

The petition coming on for hearing, upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri Rama Rao Kochiri, Advocate for the Petitioner and the Additional Public Prosecutor for the Respondent, the Court made the following.

ORDER

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

CRIMINAL PETITION No.4732 of 2020

ORDER:

This criminal petition under Section 482 read with Section 451 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is filed by the petitioner seeking return of cash of Rs.5,34,000/- (Rupees five lakhs and thirty-four thousand only) that was seized from the possession of accused No.2 in crime No.348 of 2020 of Venkatagiri Police Station, S.P.S.R. Nellore District.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the respondent -State.

3. Originally, the above crime was registered against accused Nos. 1 and 2 for the offences punishable under Sections 272, 273 and 328 I.P.C. When the investigation is pending in the said crime, accused No.1 filed CrI.P.No.4558 of 2020 before this Court seeking quash of the F.I.R. in the above crime. This Court, by its order, dated 16.10.2020, quashed the said F.I.R. against accused No.1. During the pendency of the investigation in the above crime, it appears that accused No.2 died. The said fact is not disputed before this Court by the prosecution and learned Additional Public Prosecutor appearing for the respondent has fairly conceded, on instructions, that accused No.2 died. The petitioner herein has also produced the death certificate of accused No.2 in proof of his death. Therefore, it is obvious that the criminal proceedings in the above crime against accused No.2 stood abated on account of his death. Therefore, since the F.I.R. in the above crime registered against accused No.1 is quashed and the case against accused No.2 stood abated, the petitioner herein, who is the wife of accused No.2, is entitled for return of cash of Rs.5,34,000/- (Rupees five lakhs and thirty-four thousand only) that was seized by the Police from the possession of accused No.2 in connection with the said crime.

4. In the result, the Criminal Petition is allowed. The Station House Officer, Venkatagiri Police Station, S.P.S.R. Nellore District, is hereby directed to return cash of Rs.5,34,000/- (Rupees five lakhs and thirty-four thousand only) seized from the possession of accused No.2 in the above crime to the petitioner herein, who is the wife of accused No.2, under proper identification and acknowledgment.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

A. ...
Sd/-M.Nageswara Rao
DEPUTY REGISTRAR

[Signature]
SECTION OFFICER

FO. ASSISTANT REGISTRAR

//TRUE COPY//

To,

1. The Station House Officer, Venkatagiri P.S., S.P.S.Nellore District.
2. One CC to Sri Rama Rao Kochiri, Advocate [OPUC]
3. Two CC's to Public Prosecutor, High Court of AP [OUT]
4. One spare copy

SP

HIGH COURT

CMRJ

DATED: 26/11/2020

ORDER

CRLP.No.4732 of 2020

DIRECTION

