

HIGH COURT OF ANDHRA PRADESH : AT AMARAVATI

MAIN CASE No: C.R.P.No.995 of 2021

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
	09.09.2021	<u>DR,J</u> <u>C.R.P.No.995 of 2021</u> Notice before admission. The contention of the petitioner in the revision is that the petitioner is a bonafide purchaser for value of the property vide document No. 453 of 2011, dated 18.02.2011 of S.R.O, Pendurthi. The respondent without verifying the said fact have included in the attachment order passed vide G.O.Ms.No.70, dated 03.04.2014. In the said G.O the property of the petitioner was also included as Sl.No. 5. It came to the notice of the petitioner, on verification, while initiating the said proceedings, the respondents included the name of the vendor's vendor and who remained exparte in the proceedings, as he was already sold the property in the year 2011 itself. Subsequently the respondents have moved an application in CrI.M.P.No. 2083 of 2015 and batch in Crime No. 63 of 2013 of IV Town Police Station and Crime No. 66 of 2013 of Gajuwaka Police Station, on the file of Metropolitan Sessions Judge-cum-I Additional District and Sessions Judge, Visakhapatnam. After confirming the said order, they filed application in CrI.M.P.No. 2907 of 2017 and the court below has passed the following order therein: <i>“In view of Section 6(4) of the Act, 17 of 1999 this Court on the application by the Competent Authority shall pass such order or issue such direction that is necessary for equitable distribution among the depositors/ victims of the money realized from out of the property attached. The Judgment of our Hon’ble High Court relief upon by the learned counsel for the respondents 27 to 29 is at the stage of making absolute the attachment order of the court, but not at the stage which this court now dealing with. Accordingly, this point is answered.</i>	

		<i>In the result, this petition is allowed, permitting the State to sell by way of auction and distribute the sale proceeds equitably amongst the victims.</i> Considering the said submissions and on perusal of the record, there shall be an interim direction to the respondents not to proceed with any auction the property as shown at Sl.No. 5 in G.O.Ms.No. 70, dated 03.04.2014 pursuant to the order passed in CrI.M.P.No. 2083 of 2015, dated 30.08.2017 and CrI.M.P.No. 2904 of 2017, dated 21.10.2019 by the Court of the I Additional District and Sessions –cum-Special Judge for offences under A.P. Protection of Depositories of Financial Establishments Act, 1999. KK DR,J	
--	--	--	--