

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE**

**:PRESENT:
THE HONOURABLE SRI JUSTICE D. RAMESH**



CIVIL REVISION PETITION NO: 995 OF 2021

Between:

Kanuru Appala Raju, S/o late Kanuri Somulu, aged about 45 years, Occ. Private Employee, Residing at Joda, Keonjhar District, Odisha.

Petitioner

AND

The State, Rep. by Special Public Prosecution, Visakhapatnam, (The additional Director General of Police, Crime Investigation Department (CID), Andhra Pradesh, being rep. by Inspector of Police, CID, Visakhapatnam.

Respondent

WHEREAS the Petitioner above named through his Advocate Sri CHALLA GUNARANJAN presented this Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to the orders passed by the Metropolitan Sessions Judge - 1st Additional District and sessions Judge - Cum - Special Judge to try the cases under A.P. Protection of Depositories and Financial Establishments Act, 1999, Visakhapatnam in Criminal Miscellaneous Petition No. 2083/2015, dated 30.08.2017 and in CrI.M.P. No. 2904/2017, dated 21.10.2019.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri CHALLA GUNARANJAN Advocate for the Petitioner, directed issue of notice to the Respondent herein to show cause as to why this CIVIL REVISION PETITION should not be admitted.

You viz:

The Inspector of Police, CID, representing office of The additional Director General of Police, Crime Investigation Department (CID), AP, Visakhapatnam.

are directed to show cause as to why in the circumstances set out in the petition/appeal and the affidavit/memorandum of grounds filed therewith (copy enclosed) this CIVIL REVISION PETITION should not be admitted.

IA NO: 2 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings pursuant to the orders passed in CrI.M.P. No.2083 of 2015 dated.30.08.2017 and in CrI.M.P No.2904 of 2017 dated. 21.10.2019 by the Hon'ble 1st Additional District and Sessions cum Special Judge For offences under A. P Protection of Depositories of Financial Establishments Act, 1999', Vishakhapatnam to the extent of property of the Petitioner Door No.1-38/3 situated at Plot No.23, S.No.24, Ground Floor, Satyanarayana Puram, Chinamushidiwada, Pendurthi Mandal, Vishakhapatnam, Andhra Pradesh of the impugned G.O.Ms.No.70 dated.03.04.20 14 and pass, pending disposal of CRP No. 995 of 2021, on the file of the High Court.

The Court made the following: ORDER

"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 SI.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:

"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 relied 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.

In the result, allowed, permitting the State to sell by way of auction and distribute the sale proceeds equitably amongst the victims.

Considering the said submissions and on perusal of the record, there shall be an interim direction to the respondents not to proceed with 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."

SD/- M. RAMESH BABU
ASSISTANT REGISTRAR

//TRUE COPY//


For ASSISTANT REGISTRAR

To,

1. The Metropolitan Sessions Judge-I Additional District & Sessions Judge-Cum-Special Judge to try the Cases under AP Protection of Depositors & Financial Establishments Act, 1999, Visakhapatnam..
2. The Inspector of Police, CID, representing office of The additional Director General of Police, Crime Investigation Department (CID), AP, Visakhapatnam. (by RPAD- along with a copy of petition and memorandum of grounds)
3. One CC to Sri Challa Gunaranjan, Advocate [OPUC]
4. One spare copy

MSR

HIGH COURT

DRJ

DATED:09/09/2021

NOTICE BEFORE ADMISSION

CRP.NO.995 OF 2021

INTERIM DIRECTION

