

APHC010211022026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3521]

TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 3223/2026

Between:

1. CHERUKUPALLI RAJA HEMANTH KUMAR, S/O. VENKATA SURYA KRISHNA RAO, AGED 64 YEARS, R/O. D.NO.9-18-75/19/2, REDLANDS APARTMENTS, OPP SWARNA BHARATI INDOOR STADIUM, P T COLONY, VISAKHAPATNAM - 530013

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, AMARAVATHI
2. THE INSPECTOR OF POLICE, CRIME INVESTIGATION DEPARTMENT CID, REGIONAL OFFICE, VISAKHAPATNAM - 530017

...RESPONDENT/COMPLAINANT(S):

Counsel for the Petitioner/accused:

1. VARREY VENKATA NAGA VISHNU TEJA

Counsel for the Respondent/complainant(S):

1. PUBLIC PROSECUTOR

The Court made the following:**ORDER:**

The Criminal Petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for brevity 'the Cr.P.C.,')/Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') filed by the petitioner herein seeking to quash the order passed on 21.04.2025 by the I Additional District & Sessions Judge, Visakhapatnam in CrI.M.P.No.1005 of 2024 in C.C.No.31 of 2023 dismissed the application filed under Section 457 of 'the Cr.P.C' seeking to release the sale deed bearing No.692/2011 dated 04.04.2011 to the petitioner pending disposal of the case, on the ground that the subject property was purchased through ill-gotten money by the petitioner/Accused No.16.

2. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor. Perused the record.

3. Notice on Respondent No. 2 is dispensed with, as he has only conducted the investigation and was also heard by the learned Trial Court while passing the impugned order.

4. The learned Trial Court, by order dated 21.04.2025 in CrI.M.P. No. 1005 of 2024 in C.C. No. 31 of 2023, dismissed the application filed under Section 457 of the Cr.P.C. seeking release of the sale deed bearing No. 692/2001 dated 04.04.2001 to the petitioner, pending

disposal of the case, on the ground that the subject property was purchased through ill-gotten money by the petitioner/Accused No. 16. It is submitted that, subsequently, the wife of the petitioner obtained a loan by depositing the title deed with the financial institution, and the said loan was cleared in the year 2022. In spite of clearance of the loan, the documents were not released by the financial institution.

5. In view of the above, the crime was registered. The learned I Additional District Judge, Visakhapatnam, dismissed the petition on the ground that there was no sufficient force in the contention of the learned counsel for the petitioner.

6. It is further stated that the petitioner, being a Chartered Accountant, played a vital role as a member of the criminal conspiracy and is facing trial. The reasons assigned by the learned I Additional District & Sessions Judge, Visakhapatnam, are not convincing or reasonable.

7. In this regard, it is apposite to mention the judgment of the Hon'ble Apex Court in **Sunderbhai Ambalal Desai v. State of Gujarat**¹ at paragraph Nos.11 and 14 held as under:

Valuable articles and currency notes:

11. With regard to valuable articles, such as, golden or silver ornaments or articles studded with precious stones, it is submitted that it is of no use to keep such articles in police custody for years till the trial is over. In our view, this submission requires to be accepted. In such cases, the Magistrate should pass appropriate orders as contemplated under Section 451 CrPC at the earliest.

¹ AIR 2003 SC 638

14. In case, where such articles are not handed over either to the complainant or to the person from whom such articles are seized or to its claimant, then the court may direct that such articles be kept in bank lockers. Similarly, if articles are required to be kept in police custody, it would be open to the SHO after preparing proper panchnama to keep such articles in a bank locker. In any case, such articles should be produced before the Magistrate within a week of their seizure. If required, the court may direct that such articles be handed back to the investigating officer for further investigation and identification. However, in no set of circumstances, the investigating officer should keep such articles in custody for a longer period for the purposes of investigation and identification. For currency notes, similar procedure can be followed.

8. The Hon'ble Apex Court has clearly enunciated the principles regarding how a property petition, especially relating to money, has to be dealt with and disposed of. The learned Judge is directed to follow the said judgment.

9. Considering the entire facts and circumstances of the case, the impugned order dated 21.04.2025 passed by I Additional District & Sessions Judge, Visakhapatnam in CrI.M.P.No.1005 of 2024 in C.C.No.31 of 2023 is set aside. Invoking the inherent powers under Section 482 of 'the Cr.P.C.,' it is directed to hand over the property to the petitioner under the cover of mediators' report, by following the procedure laid down in **Sunderbhai Ambalal Desai** *supra* .

10. Therefore, the learned I Additional District & Sessions Judge, Visakhapatnam is directed to scrupulously follow the judgment of the Hon'ble Apex Court in **Sunderbhai Ambalal Desai** *supra* and return the sale deed bearing Document No.692/2001 dated 04.04.2001 to the petitioner under proper acknowledgment. The petitioner shall not

alienate the property during the pendency of the case, whether at the trial stage, appellate stage, or any other stage without obtaining prior permission in writing from the competent court concerned. The petitioner shall also not mortgage the property in any mode including by depositing the title deed. The petitioner shall produce the document as and when required by the trial court or any competent court or authority.

11. The learned I Additional District & Sessions Judge, Visakhapatnam shall direct the registration authorities concerned not to entertain any sort of Registration with respect to the property.

12. In the result, the Criminal Petition is allowed.

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

DR. Y. LAKSHMANA RAO, J

Date: 21.04.2026
SSA

183

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION No.3223 of 2026

Date: 21.04.2026

SSA

