

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 755/2001

(From the judgement and order dated 19/01/2001 in CRLR 331/00  
of The HIGH COURT OF PATNA)

SUNIL KUMAR SINGH

Petitioner (s)

VERSUS

BALRAM SINGH & ORS.

Respondent (s)

( With Appln(s). for stay )  
( With Office Report )  
(For FD)

Date : 11/1/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA  
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s) Mr. Vikas Singh,adv.  
Mr. Sujit K.Singh,adv.  
Mr. Reetesh Singh,adv.  
Mr. Lakshmi Raman Singh,Adv.

For Respondent (s) Mr. M.N. Shroff,Adv.  
Mrs.Kiran Jai,adv.  
Mr. Chirag M.Shroff,adv.  
Mr. Gajender Singh,adv.  
  
Ms. Sunita R.Singh,adv.  
Mr. B.B. Singh,Adv.

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....T.J  
.SP2

Heard learned counsel for the parties. The petitioner who is the informant in criminal case T.R.No.983 of 2000 of the court of Judicial Magistrate, Ist Class, Dalsingh Sarai Samastipur, Bihar has filed this petition assailing the order passed by Patna High Court in Criminal Revision No.331 of 2000 filed by the accused-respondent herein, granting the prayer for release of certain documents and properties seized by the police (Item Nos. 4-15 as mentioned in the seizure list). The operative portion of the order reads:

-2-

.....L.....I.....T.....T.....TJ.  
.SP1

"In that view of the matter, this revision petition is

hereby allowed directing the Magistrate concerned in the above noted case to pass release order in respect of item Nos.4 to 15 as mentioned in the seizure list (Annexure-3) after taking proper security from the petitioner and it is further made clear that in the name of security, cash security or bank guarantee may not be asked for. Undertaking should also be taken to produce as and when necessary."

.....L.....I.....T.....T.....T.....T.....T.J  
.SP2

On consideration of the matter we are not inclined to interfere with the order under challenge. However, we make it clear that it will be open to the petitioner to file an application before the trial court seeking an order calling upon the accused to produce any of the documents/properties which has been released in his favour under the order of the High Court and on the trial court being satisfied about the relevance of the document for trial of the case, appropriate order for filing/production of the document/property will be passed by the court. Further, the accused-respondent herein, shall keep all the documents/properties (Item Nos.4-15) with himself and shall not alienate, transfer or destroy the same till the disposal of the case by the trial court.

With these observations the special leave petition is disposed of.

.SP1

(Suman Wadhwa)  
Court Master

(S.Malkani)  
Court Master