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**IN THE HIGH COURT OF MANIPUR  
AT IMPHAL**

**Crl.Rev.P. No. 2 of 2021**

Kshetrimayum Indira Devi

....*Petitioner*

- Versus -

The State of Manipur & anr.

...*Respondents*

**BEFORE  
HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR**

31.05.2022

This criminal revision petition, filed under Sections 397 and 401 Cr.P.C. read with Section 482 Cr.P.C., arises out of the order dated 23.11.2020 passed by the Ld. Special Judge (CBI), Imphal East, in Cril. Misc. (Z) Case No. 6 of 2020 {Ref: RC(A)/2020/CBI/ACB/Imphal under Sections 13(2) and 13(1)(b) of the Prevention of Corruption Act, 1988}. By the said order, the Ld. Special Judge dismissed the application filed by the petitioner herein under Section 457 Cr.P.C. for release of the seized gold ornaments on zima.

Heard Mr. O. Ratan Kumar, learned counsel for the petitioner; Mr. R.K. Umakanta, learned PP for respondent No. 1; and Mr. W. Darakishwor, learned Sr. PCCG for respondent No. 2.

It is an admitted fact that 45 Tulas of gold ornaments valued at ₹. 18,90,000/- (Rupees Eighteen Lakhs Ninety Thousand) were seized by the CBI from the possession of one Yumnam Sarat Meitei, the accused in the case registered under the Prevention of Corruption Act, 1988. While so, the petitioner

herein sought release of the said gold ornaments claiming that she was the owner thereof and that she had pledged it with the accused to avail financial assistance to the tune of ₹. 17,00,000/- (Rupees Seventeen Lakhs) during October, 2019. According to her, she repaid the money but the jewellery was left with the accused for security reasons. She produced a receipt in proof of her purchase of the said gold jewellery.

The accused is a Senior Accountant in the Accountant General's Office at Imphal. The case was registered against him for possession of assets disproportionate to his known sources of income. It was during the search of his house on 31.01.2020 that the subject gold ornaments were seized along with other documents and articles. The petitioner herein produced the photocopy of a receipt/cash memo issued by one S. Indira of Indira Jewellery, Kongba, Thangjam Leikai, in proof of her ownership of the jewellery. However, the CBI seized the receipt/cash memo book of Indira Jewellery, Kongba, Thangjam Leikai, and found that this receipt/cash memo was not genuine. It is on this ground that the Ld. Special Judge opined that it was doubtful whether the petitioner herein was the owner of the seized gold ornaments and as the seized articles could not be released in favour of the wrong person, the Ld. Special Judge dismissed the application.

Mr. O. Ratan Kumar, learned counsel, is unable to place any material before this Court in proof of the petitioner's ownership of the gold ornaments. He fairly concedes that there is no document in proof of the petitioner having pledged her jewellery with the accused for a loan and that there is no evidence of her having purchased this jewellery, apart from the doubtful cash memo. In

the absence of such proof, the petitioner clearly failed to demonstrate her entitlement to seek release of the seized ornaments in her favour under Section 457 Cr.P.C.

This Court therefore finds no error having been committed by the Ld. Special Judge in dismissing her application seeking such release.

The criminal revision is devoid of merit and is accordingly dismissed.

**CHIEF JUSTICE**

*Indrajeet*