

CENTRAL BANK OF INDIA

v.

HUSAINY FAKHRUDDIN AND OTHERS

(Criminal Appeal No. 968 of 2011)

JANUARY 31, 2017

[KURIAN JOSEPH AND A. M. KHANWILKAR, JJ.]

Supreme Court – Directions – Release of bank deposits made by respondents – CBI requested appellant-bank not to release the deposits till a reference was given by CBI or the special court concerned – Respondent filed writ Petition – High Court directed appellant-bank to release the deposit – On appeal, held: The main objection was of CBI, which subsequently had withdrawn its request and there was no objection for release of the amounts – Hence, appeal disposed of with direction to appellant-bank to release the deposits within stipulated time frame, in case the same were not withheld for any other reason.

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 968 of 2011.

From the Judgment and Order dated 23.07.2010 of the High Court of Judicature at Bombay Nagpur Bench, Nagpur in Criminal Writ Petition No. 496 of 2006.

Jaideep Gupta, Sr. Adv., Dinesh Mathur, Ms. Priyanka Bharti, (For M/s. Dua Associates), Advs. for the Appellant.

Ms. Madhavi Divan, Sharavanth Paruchuri, (For M/s. M. Rambabu & Co.), Rajat Nair (For Mukesh Kumar Maroria), Arvind Kumar Sharma, Advs. for the Respondents.

The Judgment of the Court was delivered by

KURIAN, J. 1. Appellant is aggrieved by the impugned judgement whereby the High Court has directed the appellant to release the deposits made by Respondents 1 to 4. When the request for withdrawal of the money was being processed, the Central Bureau of Investigation (“CBI”, for short), by communication dated 06.12.2005, requested the appellant-Bank not to release the deposits ... “till you receive any reference from this office or the Special Court, Akola ...”.

- A 2. Respondents 1 to 4 challenged the same before the High Court in Criminal Writ Petition No. 496 of 2006. The Writ Petition was allowed by the impugned judgment dated 23.07.2010 directing the Bank to release the amounts, and hence, the appeal.
- B 3. Learned Counsel for the CBI, on instruction, submits that they have withdrawn their request to the Bank, and from their side, there is no objection for release of the amounts.
- C 4. In that view of the matter, it is not necessary to go into the various contentions raised by learned Senior Counsel appearing for the Bank. Hence we leave open all questions of law. The main objection to the release was the request made by the CBI and hence, this appeal is disposed of with a direction to the appellant-Bank to release the deposits made by Respondents 1 to 4, in case the same are not to be withheld for any other reason. The needful be done within a week from the date of receipt of copy of this Judgment.
- D 5. There shall be no order as to costs.

Ankit Gyan

Appeal disposed of.