

Virendra Kumar Vs. Union of India (Uoi)

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Court : Allahabad

Decided On : Jul-24-1989

Reported in : 1989(24)ECC37; 1990LC44(Allahabad); 1990(45)ELT224(All)

Judge : K.C. Agarwal, A.C.J. and ;R.K. Gulati, J.

Acts : Constitution of india - Article 226; Narotic Drugs and Psychotropic Substances Act, 1985

Appeal No. : Civil Misc. Writ Petition No. 1057 of 1987

Appellant : Virendra Kumar

Respondent : Union of India (Uoi)

Judgement :

K.C. Agarwal, A.C.J.

1. This petition under Article 226 of the Constitution has been filed for the following relief:

'To issue a writ, direction or order in the nature of mandamus directing the respondents to release the seized currency, National Saving Certificates, and Fixed Deposit Receipts forthwith.'

2. It appears that a first information report was lodged against the petitioner for the offences alleged to have been committed by him under certain sections of the

Narcotic Drugs and Psychotropic Substances Act, 1985. In connection with the detection of the offences a raid was organised at the premises of the petitioner and National Saving Certificates, Fixed Deposit Receipts and cash a sum of rupees one lakh fourteen thousand and odd was seized along with the drugs. The contention of the petitioner's counsel is that the authorities did not have power to seize National Saving Certificates and Fixed Deposit Receipts which were of a date much earlier to the commission of the offence by the petitioner. However, we did not wish to go into these controversies in the present proceeding as we consider it appropriate to direct the Magistrate to decide the criminal case pending before him.

3. The Special Judicial Magistrate (Economic Offences), Allahabad is directed to decide the complaint filed against the petitioner within three months of the filing of the certified copy of this judgment.

4. Subject to above the writ petition is disposed of.

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