

Salman S Vs State Of Kerala

Court: High Court Of Kerala

Date of Decision: Jan. 30, 2025

Acts Referred: Code of Criminal Procedure, 1973 " Section 457
Banning of Unregulated Deposit Schemes Act, 2019 " Section 14

Hon'ble Judges: Dr. Kauser Edappagath, J

Bench: Single Bench

Advocate: Jomy K. Jose, Athira V. Ajayan, Devaprasanth P.J, Smini Jose, Sreeja V

Final Decision: Disposed Of

Judgement

Dr. Kauser Edappagath, J

1. The petitioner's car was provisionally attached under the provisions of the Banning of Unregulated Deposit Schemes Act, 2019 (for short, 'the

BUDS Act') in connection with Crime No.715 of 2024 of Thiruvalla Police Station. The petitioner has filed an application under Section 457 of the

Cr.P.C. before the Additional Sessions Court " " III (BUDS Act Special Court), Pathanamthitta (for short, 'the designated court') to release the car.

The designated court, as per the order dated 25.10.2024, dismissed the application holding that if the vehicle is released at this stage, it will defeat the

purpose of the BUDS Act. The petitioner has approached this Court challenging the said order.

2. I have heard Sri.Jomy K. Jose, the learned counsel for the petitioner and Smt.V.Sreeja, the learned Senior Public Prosecutor.

3. The learned counsel for the petitioner submitted that the competent authority under the BUDS Act did not file an application before the designated

court within the stipulated time under Section 14 of the BUDS Act for confirmation of the attached property. The learned counsel further submitted

that in a case where no application for confirmation of the attachment has been filed within the maximum period of 60 days as contemplated under

Section 14 of the BUDS Act, the provisional attachment will not lie and hence the property should be released to the petitioner.

4. The learned Public Prosecutor on instructions submits that the competent authority has issued a provisional attachment order for all properties of

M/s.Nedumparambil Credit Syndicate and gave a direction to the District Collectors to take necessary steps to file applications before the designated

court within the prescribed time limit for confirmation of the attachment under Section 14 of the BUDS Act. However, there is no evidence on record

to show whether such an application has been filed or not in the case of the petitioner.

5. Having heard the learned counsel for the petitioner, the learned Public Prosecutor and perusing the records, this criminal revision petition is disposed

of as follows:

If the competent authority has filed an application for confirmation of the attachment of the petitioner's vehicle under Section 14 of the BUDS Act, the

designated court is directed to proceed under Section 15 and pass appropriate orders. If no application has been filed under Section 14 of the BUDS

Act for confirmation of the attachment, the petitioner shall file an application for release of the vehicle before the designated court, which shall take a

decision on it, in accordance with law.