



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 952 OF 2018
[@ SPECIAL LEAVE PETITION (CRL.) NO. 2631 OF 2018]

ADARSH COOPERATIVE HOUSING SOCIETY LTD. Appellant(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. This Court permitted the appellant to withdraw the amounts claimed by the banks on furnishing security of immovable property, as per order dated 05.01.2018 in Criminal Appeal No. 19 of 2018.

3. When the appellant offered security of the immovable property, wherein the housing complex is situated, that was turned down as per the impugned order passed by the CBI Special Judge, Greater Mumbai, holding that the disputed structure is standing on the land, which is being offered as a security and being the subject matter of the case, the land cannot be accepted as a security. Thus aggrieved, the appellant is before this Court.

4. We have heard Mr. Vikramjit Banerjee, learned Additional Solicitor General appearing for the first respondent and Mr. Nishant R. Katneshwarkar, learned counsel appearing for the State of Maharashtra. Though the application is seriously opposed by both the respondents, the fact remains that the land was allotted to the appellant by the State of Maharashtra on payment of Rs. 12.61 Crores, as per Allotment Letter dated 09.07.2004. The learned counsel for appellant submits that the amounts which are frozen, are required for litigation expenses and, therefore, denial of the same would amount to denial of access to justice.

5. In the above circumstances, we do not propose to go into the various contentions taken by the State since we are only concerned with the release of the amounts on offering the land as a security. Therefore, leaving all the contentions open, and without prejudice to the contentions taken by the CBI as well as by the State, the impugned order dated 01.03.2018 passed by the CBI Special Judge is set aside. The Special Judge, CBI is directed to accept the security of the land, as offered by the appellant and release the amounts.

6. In view of the above, the appeal is disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[SANJAY KISHAN KAUL]

New Delhi;
July 31, 2018.