

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1122 OF 2011

STATE OF JAMMU AND KASHMIR

... APPELLANT(S)

VERSUS

SURAIN SINGH LANGEH

...RESPONDENT(S)

O R D E R

1. No one was present for the appellant when the appeal was taken up for hearing.

2. The State has filed the present appeal challenging the order¹ passed by the High Court² in the criminal revision³. The High Court, vide the aforesaid order, upheld the order passed by the Trial Court.

3. Facts in brief are that an FIR No.09 of 2001 was registered under sections 420, 406 and 120-B of the Ranbir Penal Code, against the management of M/s United Endowment India Ltd, one of the directors of which was Bashir Ahmad Manhas. The respondent purchased the property in question from Bashir Ahmad Manhas vide registered sale deed dated 03.05.2003 and set up his office. On

¹ Dated 07.03.2006

² High Court of Jammu and Kashmir at Jammu

³ Cr. Rev. No.23/2005

30.07.2003, police came to the property in question and seized the same.

4. The respondent filed an application seeking release of the property in question before Trial Court. Vide order dated 10.03.2005, the Trial Court released the property on *supurdnama* of the respondent along with a direction that no third-party interest should be created in the property.

5. The question arose as to whether the appellant/State had power to seize immovable property, as the seizure in the present case was of a shop/office situated at the Second Floor at K.C. Plaza, Jammu. Though, the Trial Court had directed for release of the property in question on *supurdari* with the respondent/applicant, however, the High Court opined that immovable property could not be seized and the same was directed to be released to the respondent.

6. It is evident from a perusal of the impugned order passed by the High Court that the learned Advocate General had placed reliance on the judgment of this Court in **State of Maharashtra v. Tapas D. Neogy**⁴ which did not directly deal with the issue in question as the issue under consideration therein was as to whether the bank account of an accused was property within the meaning of Section 102 Cr.P.C.

⁴ (1999) 7 SCC 685 : 1999 INSC 417

7. Legal issue as to whether immovable property could be seized or not, was gone into, on a reference made to a Three-Judge Bench of this Court in **Nevada Properties Private Limited, Through its Directors versus State of Maharashtra and another**⁵. This Court opined that in exercise of power under Section 102 Cr.P.C., immovable property could not be attached, seized or sealed. Para '34' of the aforesaid judgment is extracted below:

"34. In view of the aforesaid discussion, the reference is answered by holding that the power of a police officer under Section 102 of the Code to seize any property, which may be found under circumstances that create suspicion of the commission of any offence, would not include the power to attach, seize and seal an immovable property."

8. The earlier judgment of this Court in **Tapas D. Neogy (supra)** was distinguished.

9. In view of the fact that the legal issue involved in this appeal has been answered by the larger Bench of this Court, we do not find any merit in the present appeal and the same is accordingly dismissed.

⁵ (2019) 20 SCC 119 : 2019 INSC 1077

10. Pending applications, if any, shall also stand disposed of.

.....J.
(RAJESH BINDAL)

.....J.
(MANMOHAN)

NEW DELHI;
JULY 23, 2025.

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1487 OF 2019

THE STATE OF MAHARASHTRA

... APPELLANT(S)

VERSUS

VISHAL S/o SHRISHAIL LOKAPUR & ANOTHER ...RESPONDENT(S)

O R D E R

1. The present appeal arises out of a judgment⁶ passed by the High Court⁷ wherein it was opined that the investigating officer in a criminal case is not free to seize/attach any immovable property belonging to the respondents, where the respondent no.1 was not named as accused. While doing so the High Court had placed reliance on a Full Bench decision of the High Court in **Sudhir Vasant Karhataki versus State of Maharashtra & others**⁸.

2. The judgment of the Full Bench of the High Court, as referred to above was the subject matter of challenge before this Court in **State of Maharashtra & others versus Sudhir Vasant Karhataki etc. etc.**⁹.

3. On a reference to a larger Bench, the legal issue involved regarding attachment of an immovable property was answered

⁶ Dated 17.09.2012 in W.P. No.1887 of 2012

⁷ High Court of Judicature at Bombay

⁸ 2011 All.M.R. (CRI.) 96

⁹ Criminal Appeal No(s).1482-85 of 2019

against the State in **Nevada Properties Private Limited, Through its Directors versus State of Maharashtra and another**¹⁰.

3.1 This Court opined that in exercise of power under Section 102 Cr.P.C., an immovable property could not be attached, seized or sealed. Para '34' of the aforesaid judgment is extracted below:

"34. In view of the aforesaid discussion, the reference is answered by holding that the power of a police officer under Section 102 of the Code to seize any property, which may be found under circumstances that create suspicion of the commission of any offence, would not include the power to attach, seize and seal an immovable property."

3.2 Other appeals were also listed before the larger Bench of this Court. However, after expressing opinion on the question referred, the matters were sent back to the appropriate Bench for final disposal. Finally, the appeal¹¹ in **Nevada Properties** (supra) was dismissed by this Court on 06.05.2022.

4. Meaning thereby, the views expressed by the Full Bench of the High Court **Sudhir Vasant Karhataki** (supra) was affirmed by this Court. Even Criminal Appeal No(s).1482-85 of 2019 were disposed of in terms of order dated 06.05.2022 passed in Criminal

¹⁰ (2019) 20 SCC 119: 2019 INSC 1077

¹¹ Criminal Appeal No.1481 of 2019

Appeal No(s).1481 and 86 of 2019 vide order dated 01.08.2022.

5. The fact that the legal issue involved in the present appeal has been decided against the appellant/State, is not disputed by the learned counsel for the appellant.

6. In view of the aforesaid facts, we do not find any merit in the present appeal. The same is accordingly dismissed.

7. Pending applications, if any, shall also stand disposed of.

.....J.
(RAJESH BINDAL)

.....J.
(MANMOHAN)

NEW DELHI;
JULY 23, 2025

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 1122/2011

STATE OF JAMMU AND KASHMIR

Appellant(s)

VERSUS

SURAIN SINGH LANGEH

Respondent(s)

(IA No. 5826/2007 - STAY APPLICATION)

WITH CrI.A. No. 1487/2019

(IA No. 10070/2013 - exemption from filing certified copy

IA No. 10071/2013 - EXEMPTION FROM FILING O.T.)

Date : 23-07-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RAJESH BINDAL

HON'BLE MR. JUSTICE MANMOHAN

For Appellant(s) :

Mr. Aaditya Aniruddha Pande, AOR (Not present)

Mr. Parth Awasthi, Adv.

Mr. Pashupathi Nath Razdan, AOR

For Respondent(s) :

Ms. Sangeeta Kumar, AOR

UPON hearing the counsel the Court made the following
O R D E R

Criminal Appeal No.1122 of 2011

The appeal is dismissed in terms of the signed
order.

Pending application also stands disposed of.

Criminal Appeal No.1487 of 2019

The appeal is dismissed in terms of the signed order.

Pending applications also stand disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AKSHAY KUMAR BHORIA)
COURT MASTER

(Two separate signed orders are placed on the file.)