

PART B-CUSTODY AND DISPOSAL OF THE PROPERTY ATTACHED UNDER THE CRIMINAL PROCEDURE CODE

In order that all property which is at the disposal of the Government under section 88 or attached under sections 386 or 332 or any other section of the Criminal Procedure Code may be brought to account and the responsibility of the Government may be properly discharged, the following rules have been made under Article 227 of the Constitution of India, by the High Court with the approval of the State Government:-

RULES

1. Whenever property is attached under the orders of a Criminal Court, the Court shall make suitable arrangement for its safe custody, preservation and proper management.

Arrangements for the safe custody, preservation and proper management of the property attached. Registers to be maintained.

2. The Court shall maintain the following registers in which all property attached shall be entered:-

(i)Miscellaneous Register K/1.

(ii)Index Register.

The forms of these registers are appended to these rules.

In the Index Register the names of the persons whose property is attached should be entered in chronological order and an alphabetical index giving reference to the pages of the register should be maintained in the beginning.

3. The attached property of a proclaimed offender other than that ordered by the Court immediately to be sold under the provisions of section 88(5), Criminal Procedure Code, shall not be sold until the expiration of six months from the date of attachment and until all claims preferred or objections made under section 88 have been disposed of.

Time for the disposal of the attached property by sale.

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4. If the proclaimed offender does not appear before the Court within six months from the date of attachment and after all the objections, if any, made under section 88 have been disposed of, the Court shall take steps to sell the property unless for sufficient reasons it deems fit to postpone the sale.

Directions as to the delivery of property released.

5. Whenever the Court directs the release of the property attached in favour of any person, in whole or in part, it shall be delivered to him or his authorized agent in the presence of the Court or by an officer of the Court in the presence of respectable witnesses.

Deposit or sale-proceeds of income of property in Treasury.

6. The price realized from sale of the property attached or its income shall be forthwith deposited in Government Treasury under the head "XXI-Administration of Justice".

Refund of sale-proceeds or income.

7. Whenever the price or income of the property is ordered to be delivered to a person, it shall be paid to him by means of a refund voucher.

INDEX REGISTER

Date of attachment	Name and address of the person whose property has been attached	Particulars of the case	Reference to Miscellaneous Register K/1	Date of release	REMARKS

**MISCELLANEOUS REGISTER K/1 OF THE MOVABLE AND
IMMOVABLE PROPERTY**

Serial no.	No. in Index Register	Name and address of the person whose property has been attached	Particulars of the case and date of attachment	Details of property attached and marks of identification	Estimated value and income	Arrangement for custody and management	How disposed of and when	Amount realized	Signature of person to whom property is delivered	REMARKS
1	2	3	4	5	6	7	8	9	10	11

Note.- In column 8, if released, give reference to date of order. If sold, mention the agency through which it has been disposed of. State also for what price sold and whether by public auction or private.

2. In column 9 give the number of the Treasury receipt.

3. In column 11 mention the various orders passed by the Court.