

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 727 OF 2008

[Arising out of SLP(Crl.) No. 7652/2007]

PHULIA DEVI @ PHULARA DEVI	...	APPELLANT(S)
:VERSUS:		
STATE OF BIHAR AND ANR.	...	RESPONDENT(S)

ORDER

Leave granted.

Having heard the learned counsel for the parties, we are of the opinion that in view of the fact that the properties which were sought to be attached and purportedly belonged to the accused, having not been specified, the impugned judgment cannot be sustained. It is set aside accordingly. However, for procuring the attendance of Accused No.1 – Pintu Rai, the Investigating Officer may file fresh application in terms of Sections 82 and 83 of the Code of Criminal Procedure, which may be considered on its own merit.

In the event an order of attachment is passed and pursuant thereto some properties are attached in which the petitioner herein may have a share, she may file appropriate claim application before the said Court.

The appeal is allowed accordingly.

**.....J
(S.B. SINHA)**

**.....J
(MUKUNDAKAM SHARMA)**

**NEW DELHI,
APRIL 16, 2008.**