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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(CRL) 1173/2009****RAKESH MOHAN**

..... Petitioner

Through: Mr.R.K.Handoo, Advocate with Mr.
Yoginder Handoo, Mr. S.P.Pandey, Mr.
Sanjeev Mahajan, Advocate.

Versus

C.B.I.

..... Respondent

Through: Mr.P.K.Sharma, Standing Counsel.

CORAM:**HON'BLE MR. JUSTICE M.L. MEHTA****ORDER**

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28.11.2011

This is a writ petition under Article 226 of the Constitution of India read with Section 482 CrPC seeking direction to the respondent/CBI to defreeze the following bank accounts of the petitioner and his wife:

S. No.	Name of the Account holder	Name of the Bank A/c and A/c No.	Date of opening of A/c & Freezing of A/c	Closing Balance	Nature of transactions, salary if any
1	Rakesh Mohan & Chandra Mohan	12722 Central Bank of India, Khan Market Branch, New Delhi.	10.10.1998 & 10.07.07	Rs. 3,06,799/- on 08.06.2009	No specific salary entry is reflected
2	Chandra Mohan	12884 Central Bank of India, Khan Market Branch, New Delhi.	19.01.1991 & 10.07.07	Rs. 62,516/- on 08.06.09	No specific salary entry is reflected
3	Rakesh Mohan	01040017 Corporation Bank, Karol Bagh Branch,	09.09.2004 & 17.02.2008	Rs. 104000/- as FD & 11,202/- as saving (Total 1,15,202/- on	Salary deposits w.e.f., Sept., 2004 to May, 2007, Cash deposits and

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		New Delhi.		18.06.09)	other deposits
4	Rakesh Mohan	503010239454 ING Vyasa Bank, Barakhamba Rd., CP Branch, New Delhi.	07.05.07 & 12.07.07	Rs. 15,75,966.59 on 19.06.2009	The account is having the only one deposit of Rs. 24 lakhs on 07.05.07

In addition to the above, request is also made for release of LIC policies and bonds.

With regard to the defreezing of the above bank accounts, it may be noted that on 30th November, 2010, an order was passed by this court whereby a sum of Rs. 20 lakhs lying deposited in the aforesaid accounts was to be kept in the bank FDRs initially for a period of one year, to be renewed thereafter from time to time till further orders. It was ordered that the FDRs will be got prepared in the name of the account holders, but shall be retained by the Investigating Officer till further orders. The names of the account holders were not mentioned but as noted above, the accounts were held by the petitioner Rakesh Mohan and his wife Chandra Mohan. It is clarified that the entire deposits in the aforesaid accounts as on the dates mentioned above, may be kept in the FDRs in the names of the account holders.

The learned counsel appearing for the respondent/CBI submits that the Letter Rogatories sent to USA, UK & New Zealand for getting relevant information are still not responded and they have been sending reminders to them, but till date, no reply has been received. It is seen that this has been state of affairs for the last more than two years. The accounts cannot be continued to be freezed for indefinite period for the reason that the response to Letter Rogatories are awaited.

Admittedly, now, the charge sheet has been filed and the trial is to commence shortly. No useful purpose would be served in continuing defreezing the aforesaid accounts in the given facts and circumstances. Consequently, the

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aforesaid accounts are directed to be released, subject to the following condition:

- (a) The concerned Bank Manager of all the banks where the aforesaid accounts are maintained and operated shall make Statement of Accounts from the dates of opening of accounts till date and under their signatures shall give copies thereof to the Investigating officer. The accounts shall be deemed to be de-freezed after the compliance by the Bank Managers as above.
- (b) The petitioner shall answer any query that may be required to be raised by the Investigating Officer for clarification within three months from de-freeze of accounts.

With regard to the LIC policies and bonds, the learned counsel for the petitioner submits, on instructions that the petitioner shall give attested photocopies of all those LIC policies and the bonds to the Investigating Officer and shall not dispute the same during the trial.

The Investigating Officer will be permitted to file all these documents during the trial.

With the above directions, the petition stands disposed of.


M.L. MEHTA, J

NOVEMBER 28, 2011

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