

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR No.4579 OF 2016
DATE OF DECISION : 21st DECEMBER, 2016

Amarjit Kaur

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. J. K. Singla, Advocate for the petitioner.

Ms. Rimplejeet Kaur, AAG, Punjab.

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A. B. CHAUDHARI, J. (ORAL)

Rule heard forthwith with the consent of counsel for the rival parties.

There is a challenge to the order dated 27.09.2016, made by the trial Court by which the prayer of the petitioner for release of currency notes to him in the sum of ₹1,89,000/- has been rejected.

Learned counsel for the petitioner submits that the currency notes in the denomination of ₹500/- and ₹1000/- making the total amount of ₹1,89,000/- is required to be released to the petitioner as the said currency notes are lying with the police after they were seized. He then submits that the last date for deposit of the currency notes of 500/- and ₹1000/-, as promulgated by the Government of India, in terms of its demonetization policy, is 30.12.2016. He submits that suitable conditions can be imposed by this Court.

Per contra, the learned State counsel submitted that the currency notes in the denomination of ₹500/- and ₹1000/- were seized in the crime in question and thus the same is the case property required for identification in the Court at the time of trial and cannot be released and thus prayed for dismissal of the petition.

I have given careful thought to the submissions made by learned counsel for the rival parties. It is not in dispute that as per the demonetization policy promulgated by the Government of India, the currency notes of ₹500/- and ₹1000/- can be deposited with the bank of or before 30.12.2016.

In my opinion, the same would become waste paper if the currency notes are not allowed to be deposited with the bank before the said stipulated date. At the time of making the order of final disposal of the case property namely the currency notes total to the tune of ₹1,89,000/-, the same would enure to nobody's benefit. I am, therefore, of the firm opinion that the said currency notes of ₹500/- and ₹1000/- will have to be got deposited with the bank and as required as per the declaration to be made by the petitioner to the bank.

At the same time, interest of the prosecution will have to be taken care of. In my opinion, the currency notes in the custody of Police deposited with *malkhana*, the photocopies of the currency notes of ₹500/- and ₹1000/- will have to be made by the police in 2 sets from both the sides of the notes and thereafter the photocopies of the currency notes will have to be got signed by two witnesses and the petitioner himself and thereafter the same shall be sealed and again on the sealed envelop the same exercise of obtaining signatures will have to be undertaken. It

is only thereafter the original currency notes should be released to the petitioner. The petitioner undertakes not to dispute about the identification of the currency notes which were seized in the denomination of ₹500/- and ₹1000/-, during trial if his signatures are duly taken after comparison on the photocopy of the currency notes along with two witnesses.

This shall be done by the concerned SHO with all care and caution. Thereafter the petitioner shall be entitled to obtain new currency notes from the bank. The petitioner undertakes to deposit the sum of ₹1,89,000/- with the trial Court a month before the date of pronouncement of the judgment in the criminal case in question and accordingly he shall deposit the new currency notes of ₹1,89,000/- in the trial Court, which should be then entitled to pass the order of disposal of the property in accordance with law.

The petition is this disposed of with above directions.

Copy of this order be given to counsel for the rival parties under the signatures of Bench Secretary.

21st DECEMBER, 2016
‘raj’

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No