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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 345/2016**

BRIJESH KUMAR VERMA Appellant

Through: **Mr. Jatin Kumar, Advocate with
appellant in person**

versus

AURANGJEB & ANR Respondents

Through: **Mr. Irfan Ahmed, Advocate for SBI**

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **29.01.2018**

1. Learned counsel for State Bank of India submits that para 62 of the judgment dated 20th December, 2017 has been complied with. The relevant documents are handed over and taken on record.
2. Learned counsel for the appellant submits that the appellant has prepared a demand draft for Rs.5,48,270/- towards the interest in the name of the Commissioner, Employees' Compensation instead of Registrar General of this Court as directed in para 60 of the judgment dated 20th December, 2017. Para 60 of the judgment dated 20th December, 2017 is modified to the extent that the appellant is permitted to deposit the interest amount of Rs.5,48,270/- with the Commissioner, Employees' Compensation, instead of Registrar General of this Court within a period of 15 days from today.
3. Upon the aforesaid amount being deposited, the Commissioner, Employees' Compensation shall disburse the same to respondent No.1 in the following manner: -

- (i) Rs.5,40,000/- be kept in 27 FDRs of Rs.20,000/- for the periods 51 months to 70 months, respectively, in the name of respondent No.1 with cumulative interest.
- (ii) The balance amount, after keeping Rs.5,40,000/- in FDRs, be released to respondent No.1 by transferring the same to his individual savings bank account near the place of his residence.
- (iii) The maturity amounts of the FDRs made in the name of respondent No.1, Aurangjeb along with the interest shall be transferred to his individual savings bank account near the place of his residence.
- (iv) All the original FDRs shall be retained by the State Bank of India, Tis Hazari Courts Branch. However, the statement containing FDR number, FDR amount, date of maturity and the maturity amount be furnished to respondent No.1.
- (v) No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.
- (vi) The concerned bank of respondent No.1 is directed not to issue any cheque book or debit card to respondent no.1 and if the same have already been issued, concerned bank is directed to cancel the same. Respondent No.1 shall produce the copy of this order before the concerned bank whereupon the concerned bank shall make an endorsement on the passbook of respondent No.1 that no debit card or cheque book shall be issued to respondent No.1 without the permission of this Court.
- (vii) The concerned bank shall permit respondent No.1 to make cash withdrawals on the basis of the withdrawal forms.
- (viii) Respondent no.1 shall produce his passbook before the Manager, State Bank of India, Tis Hazari Courts Branch who shall ensure and verify that an endorsement on the passbook of respondent no.1 has

been made to the effect that no cheque book or debit card has been issued and if the same have already been issued, concerned bank has cancelled the same.

4. The appellant has filed reply to the notice issued to the appellant to show cause as to why a complaint be not made against him under Section 340 Cr.P.C. for raising a claim under Section 209 IPC. Learned counsel for the appellant submits that a lenient view be taken and the notice be discharged. However, the reply filed by the appellant does now show any remorse or apology. In that view of the matter, arguments on the appellant's reply shall be heard on the next date of hearing.

5. With respect to the penalty proceedings initiated in terms of para 64 of the judgment dated 20th December, 2017, learned counsel for the appellant submits that the record of the Commissioner, Employees' Compensation was not received on 15th January, 2018 and the Commissioner has fixed the matter on 08th February, 2018. As per record, registry has already sent the record on 11th January, 2018.

6. List for further hearing on 23rd February, 2018 at the end of the Board.

7. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

JANUARY 29, 2018

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