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

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Judgment delivered on: 04.09.2018

+ CRL.M.C. 3201/2018

ICICI BANK LTD

..... Petitioner

versus

STATE GOVT OF NCT DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr.Punit K. Bhalla, Advocate.

For the Respondent : Mr.Kamal Kr. Ghai, Addl. PP for the State.
Ms.Shweta Singh Chauhan, ACP/IO, Insp.Sanjay
Dahiya SOS-I Crime Branch.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

04.09.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner/ ICICI Bank impugns order dated 24.02.2018 whereby the application of the petitioner seeking release of two vehicles make / model "Audi/QTTDI" bearing registration No. DL 1CT 2214 and "Fortuner/FX TRD 4X2 AT" bearing registration No. DL 3CBD 7861 was dismissed on the ground that after framing of charge, the Court has to decide as to whether the vehicles in question were to be attached or not and only thereafter, would this court be able to decide about the custody of the vehicles.

2. Petitioner Bank was seeking release of the vehicle on the ground that Debt Recovery Tribunal in an OA filed under section 19 of the Recovery of debts due to Banks and Financial Institutions Act, 1993 read with Rule 8 of the Debt Recovery Tribunal (Procedure) Rules, 1993 had appointed a receiver to seize the said vehicles as they were hypothecated with the bank.

3. Learned counsel for the petitioner submits that the Trial Court by order dated 24.08.2018 has discharged the accused and the natural consequence thereof would be that the vehicle would be liable to be released by the police to the accused. He further submits that since there is an order of the Debt Recovery Tribunal appointing a receiver qua the said vehicles, the police be directed not to release the said vehicles to the accused and he shall be approaching the said authorities in terms of the order of the Debt Recovery Tribunal for taking possession of the said vehicles.

4. By order dated 30.08.2018, this Court had directed that in case the Trial Court discharges the accused and passes an order for release of the vehicle, the vehicle should not be physically released till today.

5. In view of the fact that accused has been discharged and petitioner seeks to avail all his rights in accordance with law and the order passed by DRT dated 20.10.2016, the interim order dated 30.08.2018 is extended for a further period of 10 days to enable the petitioner to approach the police authorities in accordance with law. For a period of ten days from today the police authorities shall not

release the said vehicles to the accused and thereafter shall release the vehicles in accordance with law to the person entitled.

6. Petition is disposed of in the above terms.

7. Dasti under the signatures of the Court Master.

SEPTEMBER 04, 2018/ab

SANJEEV SACHDEVA, J

