

\$~50

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 2779/2016 & CrI.M.A. 2669/2018
DR. CHANDRA PRAKASH MATHUR Petitioner
Through: Mr. K.G. Bhagat & Ms. Archana
Midha, Advs.

versus

STATE & ANR. Respondents
Through: Mr. Ashish Dutta, APP for the State
with SI Nirbhay Singh, Special Cell
Mr. Ashok Mittal & Mr. Rohit
Kumar, Advs. for R-2.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **04.07.2018**

The petitioner had stood surety for accused named Sayag Rachel, a foreign national in criminal case arising out of FIR No. 461/2001 of police station IGI Airport involving offences under Sections 419/420/468/471 IPC. The surety bond was furnished in the sum of Rs.10 lakh by the petitioner pursuant to the order of the concerned court and in support of the surety bond he offered, on his own, a fixed deposit receipt in the sum of Rs. 10 lakh taken out from the second respondent, *i.e.*, Transcorp. International Ltd. The record would show that the fixed deposit receipt which had been issued for a certain period had to be renewed from time to time under the directions of the concerned court. It was permitted to be renewed from time to time and at the time of such renewal release of the interest that had accrued in favour of the petitioner was allowed. It is the case of the petitioner that at the time of the last such renewal, the interest was not accounted for by the second respondent.

The accused for whose release the petitioner had stood surety and furnished the bail bond supported by such fixed deposit receipt, however, absconded and was declared proclaimed offender. This led to proceedings under Section 446 of the Code of Criminal Procedure, 1973 (Cr.P.C.) being initiated against the petitioner and eventually penalty being imposed. At the time of consideration of the said process, the petitioner had moved an application seeking directions to second respondent for accounting for interest that had accrued on the fixed deposit receipt. No such directions were granted by the Metropolitan Magistrate. The petitioner took out a challenge against the said order before the court of sessions by criminal appeal no. 15/2016 which was dismissed by order dated 12.04.2016.

The present petition was filed invoking the jurisdiction of this Court under Section 482 Cr.P.C. to assail the aforesaid judgment of the Court of Sessions.

After some hearing, the learned counsel for the petitioner submitted that he may be permitted to withdraw the present petition as the issue pertains to the claim of the petitioner for interest against the second respondent on the fixed deposit receipt which is a matter for the civil court to consider and adjudicate upon. He submitted that while this petition may be allowed to be withdrawn he may be given liberty to approach the civil court for the necessary relief.

The petition and the applications filed therewith are dismissed as withdrawn with liberty as prayed for granted.

R.K.GAUBA, J

JULY 04, 2018/nk
CRL.M.C. 2779/2016

page 2 of 2