

\$~22

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

%

Judgment delivered on: 05.02.2018

+ CRL.M.C. 4757/2017

ANJALI GUPTA

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Aseem Mehrotra, Advocate.

For the Respondent : Mr. Arun Kumar Sharma, APP
for State.

**CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA**

JUDGMENT

05.02.2018

SANJEEV SACHDEVA, J. (ORAL)

CRL.M.C. 4757/2017

1. The petitioner is aggrieved by judgment dated 23.08.2017 of the Revisional Court, whereby, the Revisional Court allowed the Revision Petition filed by the petitioner and permitted de-freezing of the saving account of the petitioner, subject to the petitioner furnishing a Fixed Deposit Receipt in the sum of Rs.2,00,000/- in the name of the Trial Court.

2. The Revision Petition was filed by the petitioner against order

dated 12.05.2017 of the Trial Court, whereby, the Trial Court had declined to defreeze the saving account of the petitioner, who is an accused in case FIR No.61/2017 under Section 420/34 IPC, Police Station, Connaught Place. The allegation against the petitioner is that the petitioner has siphoned off a sum of Rs.2,08,000/-.

3. The petitioner had earlier approached this Court seeking quashing of the subject FIR. However, by judgment dated 30.03.2017 the Writ Petition (WP (Crl.) 983/2017), filed by the petitioner, was rejected. The petitioner thereafter has filed a special leave petition, which is pending before the Supreme Court.

4. On the application filed by the petitioner seeking de-freezing of the account, the Trial Court had declined to grant the permission. The Revisional Court, by the impugned order dated 23.08.2017, allowed the revision petition and permitted de-freezing of the account of the petitioner subject to the petitioner furnishing a Fixed Deposit Receipt in the sum of Rs.2,00,000/- in the name of the Trial Court and on deposit of the said Fixed Deposit Receipt, the Trial Court was directed to pass a formal order of de-freezing of the account.

5. Learned counsel for the petitioner seeks to draw the attention of the Court to the allegations made in the FIR and seeks to contend that the allegation that the sum of Rs.2,08,000/- has been siphoned off, is not borne out.

6. I am unable to accept the contention of the learned counsel for the petitioner in view of the fact that the Writ Petition of the petitioner, seeking quashing on merits, already stands rejected and the petitioner is in appeal before the Supreme Court qua the rejection order. The application of the petitioner seeking de-freezing of the account really is in the nature of seeking an equitable relief. The Revisional Court, keeping in view the allegation of siphoning of the funds of the sum of Rs.2,08,000/-, has passed an order to balance the equities requiring the petitioner to furnish a security in the form of a Fixed Deposit Receipt in the sum of Rs.2,00,000/-.

7. I find no infirmity in the view taken by the Revisional Court in directing the petitioner to furnish a security in the sum of Rs.2,00,000/-.

8. In view of the above, I find no merit in the petition. The petition is, accordingly, dismissed.

SANJEEV SACHDEVA, J

February 05, 2018
st