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

+ **W.P.(CRL) 562/2024 & CRL.M.A. 5159/2024**

JAINSONS ELECTRICALS

.....Petitioner

Through: Mr. Prerak Khanna, Advocate
through VC.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Nandita Rao, APP with Mr. Amit
Peswani, Advocate for State.
Mr. Rakesh Kumar & Mr. Sachin
Gupta, Advocates for complainant.
S.I. Rohit Chahar, PS Bharat Nagar,
Delhi & S.I. Ravi Kumar, PS Model
Town, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **25.07.2024**

1. The present Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioner seeking following prayers: -

"a. Issue appropriate writ(s)/direction(s)/order(s) and set aside undated and unsigned Notice under Section 91 of the Code of Criminal Procedure issued by Respondent No. 3;

b. Issue appropriate writ(s)/direction(s)/order(s) and set aside Letter dated 29.11.2023 issued by Respondent No. 4;

c. Direct the Respondent No. 3 and Respondent No. 4 to remove lien marked on the Bank Account of the Petitioner to the tune of Rs. 10,09,962/-."



2. The Status Report has been filed on behalf of the State, wherein it is stated that the Notice under Section 91 of Cr.P.C., 1973, which has been challenged by way of present petition, has been addressed to the Bank and not to the petitioner.
3. In respect of the Prayer (b), it is submitted that even though the section may not have been indicated specifically in the said Notice but the seizure/attachment of the amounts in the bank account of the petitioner has been done under Section 102 of Cr.P.C., 1973 and to this effect, a report shall be submitted before the area Magistrate.
4. Moreover, the Chargesheet has also been filed *qua* the co-accused before learned Metropolitan Magistrate, while the investigations *qua* the petitioner are still going on.
5. In view of above, the appropriate remedy for the petitioner lies before the learned Magistrate.
6. Therefore, the present petition along with pending application is disposed of with liberty to the petitioner to approach the appropriate authority.

NEENA BANSAL KRISHNA, J

JULY 25, 2024
S.Sharma