



\$~128

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

+ **CRL.M.C. 4934/2023**

MOHINDER SINGH SANGHERA

..... Petitioner

Through: Mr. Rajat Gaur and Mr. Sujoy Gaur,
Advocates.

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Nawal Kishore Jha, APP for State
Ms. Shobhana Takiar, Advocate for
respondent Nos. 2 and 3.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

28.03.2024

%

1. By way of present petition, the petitioner seeks setting aside of the order dated 14.12.2022 passed by learned MM, Tis Hazari Courts, Delhi in Cr. Case No.3418 of 2019 arising out of the case FIR No.954 of 2014 registered under Sections 406/420/120B IPC at PS Karol Bagh, Delhi and for issuance of appropriate directions to attach the movable properties of the proclaimed offenders/respondent Nos.2 and 3 received through arbitral award dated 20.03.2020 to the extent of their independent and absolute shares.

2. The aforesaid FIR came to be registered against the respondent Nos. 2 and 3 and others when the present respondent Nos. 2 and 3 failed to join investigation and were eventually declared proclaimed offenders vide order dated 04.06.2018. The chargesheet is also statedly filed.

3. The present petition is premised on the ground that after being declared proclaimed offenders, as a necessary sequitur under Section 83



Cr.P.C, their movable properties are liable to be attached.

4. It is the case of the petitioner that the respondent Nos. 2 and 3 have initiated arbitral proceedings against Omaxe Construction Pvt. Ltd in which an award has been rendered. Ms. Takiar has informed that the objections filed under Section 34 of the Arbitration & Conciliation Act, 1996 were also dismissed.

5. Learned counsel for the petitioner states that in the execution proceedings being O.M.P. (ENF) (COMM.) Nos.55/2021, 64-67/2021,73-75/2021 and 79/2021, this Court had directed that the amount under the award along with interest @ 10% per annum with effect from 20.03.2020 be paid by way of seven equal monthly instalments beginning from March, 2024. It is stated that the first such instalment is payable on or before 31.03.2024.

6. In the present case, the petitioner has alleged that he has been cheated to the extent of Rs.1,22,60,000/- by the respondent Nos. 2 and 3. The charge-sheet has already been filed.

7. By way of present petition, the petitioner seeks attachment of the first instalment of the award amount that is payable to the respondent in the said execution proceedings. Ms. Takiar, learned counsel has informed that the amount in excess of Rs.2 crores as a first instalment is likely to be received on 31.03.2024.

8. Considering that the order declaring respondent Nos.2 and 3 as proclaimed offenders is still subsisting, let the first instalment mentioned hereinabove to the extent of Rs.1,22,60,000/- be attached. The said amount instead of being handed over to respondent Nos. 2 and 3 shall be deposited by the Judgment debtor in abovementioned execution proceedings with the



Registrar General of this Court and the same shall be kept in the form of an auto-renewal FDR.

9. The petitioner shall be entitled to serve a copy of this order on the Judgment debtor who shall comply with the present directions and such compliance shall be treated as a compliance with the order passed in the execution proceedings. The release of such amount shall be subject to outcome of further proceedings in the trial.

10. The petition is disposed of in above terms.

MANOJ KUMAR OHRI, J

MARCH 28, 2024/rd