



\$~53

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

+ **CRL.M.C. 10116/2024 & CrI.M.As. 38827-28/2024**

BANK OF BARODA

.....Petitioner

Through: Mr. Kush Sharma, Standing Counsel
with Ms. Asiya Khan, Mr. Nishchaya
Nigam and Ms. Vagni Singh,
Advocates

versus

CBI

.....Respondent

Through: Mr. Atul Guleria, SPP with Mr.
Pankaj Kumar and Mr. Aryan R.,
Advs.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

23.12.2024

%

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been preferred by the petitioner seeking the following reliefs:

"..c. Quash/ set aside order dated 18.12.2024 passed by the Ld. Special Judge (PC Act)(CBI)-10, Rouse Avenue Courts Complex, New Delhi in FIR No. RC 2182021A0002 titled CBI Vs. Liaque Ahmed Khan & Ors. to the extent that the Petitioner has been directed to take recourse to appropriate Civil Court of competent jurisdiction;

d. Direct the Respondent to freeze/ seize the account no. 000705046751 of RazorPay Software Private Limited as maintained with ICICI Bank, having a lien to the extent of Rs. 41,99,400/-, in terms of Section 102 of CrPC, being a beneficiary of proceed of crime/fraud amount, pending investigation in FIR No. RC 2182021 A0002;.."



2. Learned standing counsel appearing on behalf petitioner submitted that it had filed an urgent application before the concerned Court, thereby, seeking direction to the concerned Investigating Officer (hereinafter “IO”) to immediately freeze the account bearing no. 000705046751 of one RazorPay Software Ltd. as maintained with ICICI Bank, being a beneficiary of suspected proceed of crime/fraudulently transferred amount. It is submitted that the urgency in the matter is that upon the request of the petitioner back in April, 2021, ICICI Bank had agreed to mark lien to the extent of Rs. 41,99,400/- in the said account due to the suspected fraudulent transaction. However, vide recently received emails dated 13th and 17th December, 2024, the ICICI Bank is now threatening to lift the lien in the absence of a Court order.

3. It is submitted that without appreciating the settled position of law on Section 106 of the BNSS, the concerned Court has only given temporary relief to the petitioner till the next date of hearing, i.e., 23rd December, 2024 and has meanwhile instead directed the petitioner to avail appropriate civil remedies for any further relief. The relevant portion of the impugned order is reproduced as under:

“In view of the facts mentioned above, since grave prejudice will be caused to the public exchequer, as the public money is involved, in the interest of justice, till the next date of hearing, the IO is directed to freeze account no. 000705046751 of Razorpay Software Limited having lien of Rs. 41,99,400/-, pertaining to the concerned branch of Bank of Baroda immediately. However, in the meanwhile, the applicant is directed to pursue its remedies pertaining to the present subject matter before the appropriate Civil Court of competent jurisdiction, as per law. Copy of this order be given dasti to the Ld. Counsel for the applicant as well as to the CBI, as prayed.



Put up for further proceedings on 23.12.2024.”

4. Learned standing counsel for the petitioner Bank submitted that while adjudicating the application filed by the petitioner before the learned concerned Court, the IO has been directed to freeze the account bearing no. 000705046751. It is further submitted that the concerned Court has also directed the petitioner to take appropriate steps or to file appropriate petition/proceedings before the concerned Civil Court for any further relief which is contrary to the mandate of Section 106 of the of the BNSS.

5. Learned standing counsel for the petitioner Bank also submitted that the since the concerned Court has the power to adjudicate the application under Section 106 of the BNSS filed by the petitioner and the impugned order has been passed without considering the said application on merits, the second portion of the impugned order dated 18th December, 2024, i.e., to pursue appropriate civil remedy may be modified.

6. Notice issued.

7. Learned SPP appearing on behalf of the CBI accepts notice and has fairly conceded to the submissions advanced by the learned counsel for the petitioner that the concerned Court has the power to adjudicate the application filed by the petitioner under Section 106 of the BNSS and to pass an order on merits for freezing the aforesaid bank account as prayed by the petitioner.

8. In view of the above submissions advanced by the learned counsel for the petitioner and the respondent, contents of the application filed by the petitioner, and upon perusal of the impugned order dated 18th December, 2024, this Court is of the view that there is merit in the contentions



advanced by the petitioner *qua* the modification of the impugned order. In light of the same, the impugned order is modified to the extent that the Court concerned shall adjudicate the application filed by the petitioner under Section 106 of the BNSS and pass an appropriate order in accordance with the law.

9. With the aforesaid directions, the present petition along with pending applications, if any, stands disposed of.

10. Till the disposal of the aforesaid application by the concerned Court, as prayed the petitioner Bank, the aforesaid bank account shall remain frozen.

CHANDRA DHARI SINGH, J

DECEMBER 23, 2024

Rt/ryp

Click here to check corrigendum, if any