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

+ **W.P.(CRL) 369/2025**

M/S KAKA GOLD LLP

.....Petitioner

Through: Ms. Malvika Trivedi, Sr. Adv. with
Mr. Amar Gahlot, Mr. Nalin Bajaj,
Ms. Srishty Jaura, Mr. Prashant Singh,
Mr. Sujal Gupta, Mr. Shailendra
Slaria, Mr. Siddharth Jha, Ms.
Shivangi Bhardwaj, Adv.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amol Sinha, ASC for State with
Mr. Kshitiz Garg, Mr. Ashvini Kumar,
Ms. Chavi Lazarus and Ms. Sanskriti
Nimbekar, Adv. with Insp. Harish
Chandra PS EOW
Mr. Vinayak Mishra, Adv.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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04.02.2025

CRL.M.A. 3279/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Allowed, subject to all just exceptions.

W.P.(CRL) 369/2025 & CRL.M.A. 3278/2025 (stay)

3. The present petition has been filed against the order dated 09.01.2025 passed by the learned Chief Judicial Magistrate, South-East District, Saket Court, New Delhi wherein after recording the submission of the IO that steps



for recovering the balance gold i.e. 1700 gms will be undertaken as proper documentation regarding the 07 vouchers could not be produced by the petitioner herein, the learned Court directed the IO to file further status report after taking the steps.

4. Ms. Malvika Trivedi, the learned senior counsel appearing on behalf of the petitioner submits that the grievance of the petitioner is that the petitioner is not even an accused and this order prejudices the rights of the present petitioner and further such directions have been given behind the back of the petitioner.

5. She further submits that no notices have been issued to the present petitioner thereby depriving the present petitioner of an opportunity of being heard.

6. She submits that the impugned order is arbitrary in as much as it directs further recovery despite petitioner's full compliance with the directions contained in order dated 25.10.2024, by executing bonds for an amount of Rs. 2.13 Crores.

7. In view of the above, issue notice. Mr. Amol Sinha, the learned Additional Standing Counsel appearing on behalf of the State accepts notice.

8. He submits that the bond of Rs. 2.13 Crores has been executed by the petitioner only *qua* 11 vouchers with respect to 3500 gms of gold and not with regard to the recovery which has been referred to in the impugned order.

9. He, however, adds that in case the IO has to proceed to make recovery as mentioned in order dated 09.01.2025, he will proceed in accordance with law. The statement is taken on record.

10. In view of the said statement no further orders are called for and the petition is disposed of with the direction that the State will follow the



procedure as established by law before making any recovery from the petitioner.

11. Needless to say that the petitioner shall be at liberty to approach the Court, if so advised, against any step taken against them by the IO.

VIKAS MAHAJAN, J

FEBRUARY 4, 2025
N.S.ASWAL