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

+ CRL.M.C. 3932/2022, CRL.M.A. 24254/2024, CRL.M.A. 24255/2024

KARAMVIR SINGH

.....Petitioner

Through: Mr. Avinash Das and Mr. Shourya
Sharma, Advocates

versus

THE STATE N.C.T. OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP for the
State with Mr. Aditya Vikram
Singh, Advocates with SI Ravinder
Kumar, PS Crime Branch

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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23.04.2026

1. By virtue of the present petition, learned counsel for the petitioner seeks to challenge the order dated 18.04.2022 passed by learned ASJ, East, Karkardooma Courts, Delhi (*learned Trial Court*) in Sessions Case No.53/2018 titled as “State Vs. Yashasvi Sharma @ Aditya Rajput & Ors”, by virtue whereof the complainant’s application seeking release of the case property i.e., cash of Rs.10,70,000/- on *Superdari* was allowed.
2. Perusal of the record reveals that an application was filed on behalf of the complainant for release of cash amount of Rs.10,70,000/- on *Superdari*, upon which, learned Trial Court issued notice on 06.04.2022, and only directed the Investigating Officer (*IO*) to file reply/ report



thereon without issuing notice to the accused therein, and not giving a chance to file a reply thereto.

3. Pursuant thereto, vide order dated 18.04.2022, the learned Trial Court based on the report filed by the IO proceeded to pass a final order disposing of the said application by allowing same in the following terms:-

“In view of the report filed by the IO, the application is allowed. SHO PS Crime Branch is directed to release the cash of Rs. 10,70,000/- on superdari to the applicant/complainant Hitesh Shukla subject to his furnishing an Indemnity bond in the sum of Rs. 10,70,000/- and subject to the following conditions:

1) That coloured photocopies of the currency notes showing their denomination and numbers shall be taken and placed on record.

2) That the applicant/complainant shall furnish Indemnity bond in the sum of Rs. 10,70,000/-.”

4. Interestingly, learned Trial Court in the same breath prior to the aforesaid directions, has also recorded the following in the preceding paragraphs itself: -

“There is no objection in releasing the cash of Rs. 10,70,000/- to its rightful owner as the cash is no more required in the investigation.”

5. As is apparent from the aforesaid impugned order passed by the learned Trial Court, the petitioner despite being a relevant/ concerned party whose rights were being affected, notice on the said application of the complainant was not issued to the petitioner. Moreover, he was neither given a chance to rebut the assertions made therein as no reply was called for by him. Lastly, the petitioner was not given a chance of being heard at



the time of disposal of the said application by the learned Trial Court. . It was the duty of the learned Trial Court to ensure that the petitioner, being a relevant party, be given an opportunity to defend himself.

6. In fact, under similar circumstances, a Co-ordinate Bench of this Court, *vide* order dated 10.09.2024, in Crl. M.C. 4485/2013 entitled ***Manjit Singh vs. State*** held as under:-

“87. The Court shall hear all the concerned parties including the accused, complainant, Public Prosecutor and/or any third party concerned before passing the order. The Court shall also take into consideration the objections, if any, of the accused.”

7. This Court is also in concurrence with the aforesaid findings rendered. As such, taking an overall view of the present proceedings involving similar facts and legal issues, more so, the petitioner herein was not accorded any opportunity of either filing a reply and/ or of being heard, the present petition is allowed to the extent that the impugned order dated 18.04.2022 is set aside and the matter is remanded back to the learned Trial Court with a specific direction to hear the said application of the complainant once again in accordance with law, i.e. after issuing notice to the petitioner as well and calling upon him to file a reply thereon and hearing him as well.

8. The present petition is disposed of with the aforesaid directions.

9. Copy of this order to be sent to Principal District and Sessions Judge, East, Karkardooma Courts, Delhi for information and compliance.

SAURABH BANERJEE, J

APRIL 23, 2026/rr