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

+ **CRL.REV.P. 399/2023**

**R L VARMA AND SONS HUF AND ANR** .....Petitioner

Through: **Mr. Deepanshu Gupta, Adv.**  
(Through VC)

versus

**STATE AND ANR** .....Respondent

Through: **Ms. Divya Jyoti Singh, Adv. for R-2**  
(Through VC)  
R-2 in person alongwith Ms. Rashmi  
Dutta/Surety

**CORAM:**

**REGISTRAR GENERAL SH. ARUN BHARDWAJ**

**ORDER**

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**23.03.2026**

**CM No.3290/2026**

1. The present application has been filed by respondent No.2 under Section 528 BNSS, 2023 seeking release of the entire amount deposited by the petitioner in terms of order dated 18.12.2025 passed by the Hon'ble Court.
2. Vide order dated 18.12.2025, the Hon'ble Court has, *inter alia*, directed as under:-

“.....

3. *The amount deposited by the petitioners is directed to released in favour of the respondent no.2, on the respondent no.2 fling an undertaking in the form of an affidavit, and also giving one surety for the amount to be released, that in case the petitioners succeed, the amount will be refunded by the respondent no.2 with reasonable interest.”*



3. As per office report, an amount of ₹5,00,000/- is lying deposited in this case in the form of FDR.
4. At this stage, learned counsel for the petitioners submitted that he has no objection to the release of the principal amount in favour of respondent No.2 but the interest accrued on the same may not be released to him and be kept in the form of an FDR.
5. In compliance of the aforesaid order, respondent No.2/Rajen Dutt placed on record surety bond dated 16.03.2026 of his sister Ms. Rashmi Dutta/surety alongwith an undertaking by way of an affidavit dated 05.02.2026 for the release of the aforesaid amount deposited in this case by the petitioners.
6. Learned counsel for respondent No.2 submitted that the surety is drawing a pension of Rs.29,891/- per month, being a dependant unmarried daughter of late army officer Mr. K.C. Dutta and also furnished her car as security in this case as well as in Crl. Rev. P. 400/2023.
7. Additionally, learned counsel for respondent No.2 further submitted that respondent No.2 has also opened an account in the UCO Bank, Delhi High Court Branch bearing account No.15530110188293 and he has no objection if the aforesaid amount is transferred to the said account, which may be kept in the form of an FDR as additional security towards the aforesaid amount, till the disposal of the present case. She further submitted that respondent No.2 has also undertaken not to encash the said FDR without the leave of this court but requested that the interest accrued upon the said FDR



may be released to respondent No.2 in the aforesaid bank account. The relevant documents pertaining to the pension of the surety and the copy of the RC of her car bearing No. DL3CCR0806 make Maruti Espresso VXI+ model 2019 have been placed on record in this case and the original RC of the aforesaid car has been directed to be kept in the safe custody of Deputy Registrar concerned in Crl. Rev. Pet. 400/2023.

8. Respondent No.2 and the surety/Rashmi Dutta appeared in person and their statements to this effect have been recorded separately and they have been identified by their counsel through video conferencing.

9. In view of the above, surety bond and the undertaking furnished by respondent No.2 are hereby accepted subject to the condition that in case petitioners succeed in the present case, respondent No.2 shall refund the released amount alongwith reasonable interest to the petitioners in terms of the aforesaid order of the Hon'ble Court, failing which, the same shall be recovered from the surety or by putting the aforesaid car on sale.

10. Further, in view of the additional undertaking given by respondent No.2 that the sum of ₹5,00,000/- which is to be released in his favour can be converted in the form of an FDR as additional security, the Branch Manager, UCO Bank, Delhi High Court Branch is to be notified that the aforesaid sum of ₹5,00,000/- be kept in the form of an FDR, which is not to be encashed in favour of respondent No.2 or his successors till the disposal of the present case or without the leave of the court.



11. In view of the above, Registrar (B&A) is directed to release the amount of ₹5,00,000/- to the aforesaid bank account of the respondent No.2 with the direction to the bank to create an FDR of the said amount and not to encash the said FDR till the disposal of the present case or without the leave of this court, however, interest accrued on the said FDR may be released in the aforesaid bank account of respondent No.2 after due verification.

12. The application stands disposed of.

**ARUN BHARDWAJ**  
**REGISTRAR GENERAL**

**MARCH 23, 2026**

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