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

+ **CRL.REV.P. 637/2022**

ANIL ANDREWS

..... Petitioner

Through: Ms.Meghna Kar, Mr.Anuj
Upadhyay, Advs.

versus

STATE NCT OF DELHI AND ANR. Respondents

Through: Ms.Priyanka Dalal, APP

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **27.02.2024**

CRL.M.A. 6310/2024 & CRL.M.A. 6311/2024

1. These applications have been filed by the petitioner praying for an appropriate order directing the Registry to take on record the Fixed Deposit Receipt (in short, 'FDR') dated 21.11.2022 in compliance with the order dated 27.09.2022 read with order dated 10.08.2023 passed by this Court; and for seeking suspension of sentence, respectively.

2. In spite of service of advance notice of this application, none is appearing for the respondent no.2.

3. By the order dated 27.09.2022, this Court had passed the following direction:

"7. Considering the overall facts and circumstances of the case, it is directed that subject to the petitioner depositing a sum of Rs.3,00,000/- with the Registrar General of this Court within one week from today, there shall be a stay of proceedings. The Registry shall keep the said amount in a fixed deposit receipt for a period of one year."



4. The petitioner states that in compliance with the said order, the petitioner got an FDR for a sum of Rs.3 lac prepared on 21.11.2022. I must pause here itself to note that this court had granted only one week's time to make the deposit; the FDR was prepared by the petitioner much later. This itself is a non-compliance with the order dated 21.11.2022.

5. The petitioner, however, claims that the petitioner tried to deposit the FDR with the Registry of this Court, however, the Registry refused to accept the same. However, what is interesting to note here is that the petitioner did not approach this Court to seek a clarification or an appropriate direction against the Registry, and it is only on 10.08.2023, when the petition was listed before this Court, that finally this Court again directed as under:

“Let the petitioner deposit the FDR or Rs.3 lacs in favour of Registrar General, Delhi High Court in terms of order dated 27.09.2022 within a period of 15 days.”

6. The petitioner claims that the petitioner again tried to deposit the same FDR, however, the Registry again refused to accept the same. The above order had directed that the deposit shall be made in form of FDR or in form of a cash deposit. The petitioner could have made a cash deposit, however, chose not to do so. On the other hand, the petitioner remained silent and did not seek any clarification from this Court.

7. When the petition was listed on 16.02.2024, this Court while taking note of the above conduct of the petitioner, vacated the *interim* order dated 27.09.2022 that had stayed the proceedings of the learned



Trial Court.

8. Now, the present applications have been filed by the petitioner praying that the FDR be taken on record and sentence awarded to the petitioner vide order dated 17.11.2021 be suspended.

9. The petitioner states that an amount of Rs.3 lacs shall be deposited by the petitioner with the learned Registrar General of this Court latest by day-after tomorrow.

10. Binding the petitioner to the above statement and undertaking, and subject to the petitioner paying a cost of Rs.50,000/- to be deposited with Delhi High Court Clerk's Association within a period of one week from today, the *interim* order dated 27.09.2022 shall operate till the next date of hearing.

11. It is made clear that in case the above two conditions are not complied with by the petitioner for any reason whatsoever, the *interim* order dated 27.09.2022 granted to the petitioner shall automatically stand vacated without any reference to this Court.

12. With the above direction, the applications stand disposed of.

13. *Dasti*

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14. List on 13th August, 2024, the date already fixed.

NAVIN CHAWLA, J

FEBRUARY 27, 2024/Arya/am

Click here to check corrigendum, if any