

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 2502 OF 2009**  
**[arising out of SLP(CRL.) No. 5332 of 2009 ]**

**PREM SAGAR GUPTA**

**.....**

**APPELLANT**

**VERSUS**

**STATE OF WEST BENGAL**

**.....**

**RESPONDENT**

**O R D E R**

1. Leave granted.
2. The appellant's son was kidnapped for ransom but was got released by the appellant on the payment of Rs. 20 lakhs. A case was also registered against the accused under Section 364A/120B of the Indian Penal Code and they were arrested and interrogated and during the course of the investigation, the entire ransom money of Rs. 20 lakhs was recovered from them. The appellant thereafter moved an application under Section 451 of the Criminal Procedure Code before the Sessions Court, Calcutta, that the ransom money which undoubtedly belonged to him should be released to him. This application was dismissed by the Sessions Court. A revision petition was thereafter filed in the High

Court. The High Court allowed the revision petition on the following terms:-

"Accordingly, application is allowed. The learned Magistrate asked the I.O. To do the following:

1. Detailed noting of the number of each currency note.
2. Taking photographs of each currency note.
3. Photographs of the currency notes are to be attested or countersigned by the complainant and accused.
4. The notes should be kept in bank locker by the complainant and shall be produced at the time of trial.
5. Bond of equal amount of Rs. 20 lacs shall be executed by the complainant."

3. It has been submitted that some of the conditions imposed by the High Court particularly condition Nos. 4 and 5 were onerous in the light of the fact that the money undoubtedly belonged to the appellant. We are indeed surprised that a very hyper technical view has been taken by the High Court in making the impugned order as the money constitutes the ransom that had been paid by the appellant to secure the freedom of his son. To our mind, to ask the appellant to comply with condition Nos. 4 and 5 would be extremely harsh and also adding insult to injury.

5. We, accordingly, allow this appeal and direct that condition Nos. 1, 2 and 3 shall be complied with but condition Nos. 4 and 5, are held to be unreasonable

and are quashed. We direct that the the money should be released within a period of three months from today. We further direct the Investigating Officer to ensure compliance with condition Nos. 1, 2 and 3 before payment.

.....J  
[HARJIT SINGH BEDI]

.....J  
[J.M. PANCHAL]

NEW DELHI  
DECEMBER 11, 2009.



