

In The court of judicial Magistrate first class, patna Sadar

Name of the presiding officer : Abhishek Panwar Court No. 3

Date of the order : 20/08/2025

Arising out of Complaint case no. 12211/2024

Vishal Kumar V. SBI

Late Ayodhya Prasad Singh had a saving bank account in State Bank of India. After his death Rs. 17,15,803 was transferred to Anjishnu Kumar as nominee . Complaint is alleging that said transfer was bad in law ,as it was done maliciously .The question which arises for consideration is weather a process can be issued against the accused persons mentioned in the complaint petition .

It is a settled proposition of that “

- If a nominee after collection of the money from the bank account doesn't give or distribute the same to the legal heirs, the only option left open to the legal heirs of the deceased is to institute a suit for recovery of the amount due to them , with interest together with cost of the suit . Once a decree is passed in favour of the plaintiff, it would be a legal obligation on the part of the nominee to pay the amount to the the legal heirs.
- If in spite of the decree, the nominee neglects to pay, or fails to pay , the amount can be recovered from the nominee by putting the decree into execution in accordance with the provision of Order – XXI of the code of civil procedure,1908.

Taking into consideration aforesaid factual matrix and law stated above, this court is of the opinion that given dispute is of civil nature . Therefore, criminal process cannot be resorted in this case . Since there is no sufficient ground for proceeding , Complaint case no. .

12211/2024 stands dismissed under section 226 of Bharatiya Nagarik Suraksha Sanhita ,2023

Typed and Corrected by presiding officer

Sd/-

(Abhishek Panwar)
JMFC, Court No.03, Patna