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DURATION : Y. M. D.

EXH. :

**IN THE COURT OF 8th ADDITIONAL SESSIONS JUDGE,
AHMEDABAD (RURAL)**

Cri. Revision No. 262 / 2025.

APPELLANT :

Axis Bank Ltd.
Indu 1/8 Dover Lane
Kolkata 700029 (Gariahat Branch)
Represented by its Branch Head
Mr. Mridul Chakraborty

VERSUS

RESPONDENTS:

- 1. The State of Gujarat,
Through A.P.P., Ahmedabad.**
- 2. Patel Niravkumar Chandubhai
Add.: Kubadthal village, Tal. Dascroi,
Dist. Ahmedabad.**

Appearance :-

Ld. Advocate Mr. A.R. Patel for applicant

Ms. B.S. Patel, Ld. APP for the State

REVISION UNDER SECTION 397 of Cr.P.C.

:: J U D G M E N T ::

[1] This revision application has been filed by the applicant bank against the order dated 14/07/2025 passed by the Learned 6th Addl. Sr. Civil Judge and ACJM, Ahmedabad (Rural) in CRMA No. 3976/2025.

[2] After filing the revision application, notice issued against the respondent and it was served upon him and pursuant thereto learned public prosecutor Ms. S.B. Patel for the State has appeared.

[3] I have heard learned advocates for the respective parties *in extenso*.

Learned advocate appearing for the applicant/revisionist has strenuously submitted that respondent No. 2 is the original complainant who has filed complaint pertaining to cyber fraud committed by the unknown person. It is further submitted that the opportunity to be heard has not been provided to the bank. It is submitted that the Ld. Magistrate has passed the order of releasing the amount in favour of the complainant without giving opportunity to be heard and thereby Ld. Magistrate has failed to follow the principle of natural justice. It is also submitted that the matter should be remanded to the Ld. Trial Court for hearing afresh and therefore it is submitted that this revision application should be allowed.

[4] *Per contra*, learned Addl. public prosecutor has submitted that the Ld. Magistrate has called for opinion/ report from the Investigating Officer and after perusal of the report Ld. Magistrate has released the amount in favour of the victim complainant against whom cyber fraud has been committed and therefore the applicant is not required to be heard. It is further submitted that the present applicant has no locus to challenge the order passed by the Ld. Trial Court. It is therefore submitted that this revision application is not maintainable and therefore, it should be dismissed.

[5] Having regard to the rival contentions of the parties, the following points for determination are arisen :

-// Points for determination //-

1. Whether the order dated 14/07/2025 passed by the Learned 6th Addl. Sr. Civil Judge and ACJM, Ahmedabad (Rural) in CRMA No. 3976/2025 suffers any illegality, impropriety or irregularity and has committed jurisdictional error and it is required to be interfered with?
2. what order ?

[6] The answers of the aforesaid points for determination are as under :

1. In the Negative.
2. As per final order.

[7] Reasons for arriving at aforesaid conclusion are assigned as under :

-// Reasons //-

[8] **Point No. 1 :**

It is the revision application filed against the order passed by Learned Trial Court and therefore, when this Court is dealing with revision application, what should be the criteria and what is the legal position is to be followed, is required to be kept in mind. It is held by the Hon'ble Gujarat High Court in the case of **Zakia Ahsan Jafri Vs. Special Investigation Team (SIT) reported in 2017 (0) GUJHC 32965. :**

"9. SCOPE AND AMBIT OF RE-VISIONAL Jurisdiction (COURT):

On, thus, having carefully considered the oral as well as the written submissions of both the sides and on extensively examining the material placed on record, the moot question that arises for the consideration of this Court is, as to whether this Court would be justified in interfering with the order impugned in revisional jurisdiction. As is well settled, the law requires interference of this Court in re-visional jurisdiction only if, it is shown that the order under challenge is perverse or untenable in law or that the decision is based on no material or where, the material facts are wholly ignored or where the judicial discretion is exercised arbitrarily or the decision is grossly erroneous or glaringly unreasonable. The petitioner, if, succeeds in establishing all these parameters, the Court shall be justified in interfering in revisional jurisdiction.

9.6 As held by the Apex Court in case of 'AMAR CHAND AGARWALLA VS. SHANTI BOSE AND ANOTHER ETC.', as reported in AIR 1973 (4) SC 799, that the object of this jurisdiction is to confer upon the superior criminal Court the kind of paternal or supervisory jurisdiction so as to curb the miscarriage of justice arising from misconception of law and similar infirmities. Although, these powers are wide enough, this Court is not expected to reappraise the evidence, except, in exclusive cases to prevent flagrant miscarriage of justice. Unlike the Court of appeal, in revisional jurisdiction, re-appreciation of evidence is not permissible, even if, there is an irregularity, but, no illegality and no prejudice has resulted on account of the order impugned, revisional power are not to be exercised."

- [9] At the outset before adverting to the merits of the case it is required to be noted that this revision application has been filed by the applicant against the impugned order passed by the Ld. Trial Court for the transaction being carried out by the fraudster in the year of 2025. Having regard to the peculiar facts of the case, as the victim has been defrauded by the fraudster and thereafter cyber complaint came to be registered by the Investigating officer. Thereafter, the amount parked in the bank account, the same was seized by the IO. Muddamal application before the Ld. Magistrate came to be filed by the victim for getting the amount lost by him wherein, the Investigating Officer has filed his report in respect of the aforesaid Muddamal application before the Ld. Trial Court wherein it is categorically mentioned that the amount deposited in the applicant's bank account was freezed by I.O. under provisions of the BNSS 2023. It is also categorically mentioned that the aforesaid amount has been put on hold. The Investigating officer has also submitted the papers pertaining to the aforesaid transaction before the Ld. Magistrate and Ld. Magistrate after considering the material on record has come to the conclusion that the victim is entitled to get the money lost. It is also required to be noted that after freezing the amount by the police the amount has been lying in the suspicious bank account in the bank in a stagnant position for long time. The aforesaid facts suggest that the amount has been deposited in the bank account lying with the present

applicant bank. It is prima-facie borne out that the amount has been transferred from the bank account of the victim complainant and therefore, the present applicant bank has no locus standi to challenge the act on the part of the investing officer.

[10] The another aspect of the case is that, the Ld. Trial Court has assigned reasons in its impugned order which transpires that after filing the muddamal application and until the order releasing the amount came to be passed, no one except the complainant/victim has claimed the alleged amount lying in the bank account as mentioned in this application. Under the circumstance this court is of the opinion that Ld. Trial Court has followed the procedure established by law and no jurisdictional error has been committed.

[11] At this juncture this court deems it fit to refer the judgment of the Hon'ble Supreme Court in the case of **Teesta Atul Setalvad vs. State of Gujarat 2018(0) AIR (SC) 27**, wherein para-18, Hon'ble Apex Court has *inter alia* held that, prior notice to the account holder is not required to be given before seizer of his or her bank account. It is also held that the bank account need not be only of the accused but it can be any account creating suspicion about the commission of an offence. In view of the aforesaid settled principle of law and considering the factual and legal position of the case this court is of the opinion that the present applicant being custodian of the freezed amount ought to have released in favour of the victim. Furthermore, when the fraudster has used the suspicious bank account and the amount was parked in such account which is lying with the applicant bank, the bank cannot be said to have been deprived of opportunity to be heard. Hence, this court is of the opinion that violation of natural justice as contended by the Ld. advocate for the applicant is not occurred. It is therefore clear that the victim has lost the money and the same should be handed over to the victim. Under the circumstances when the money claimed by the victim has been ordered to hand over to the victim, when the amount does not belong to the

present applicant Bank, it has no locus standi to raise such objections.

[12] Furthermore, it is transpired that cyber crime was committed by the fraudster in the year of 2025 and thereafter muddamal application came to be allowed by the Ld. Magistrate which was later on challenged by the present applicant by filing this revision application. Under the circumstances, the order passed by Ld. Trial court does not suffer any illegality or impropriety and no jurisdictional error has been committed by the Ld. Magistrate. Hence, this revision application is devoid of merits and therefore, Point No. 1 is answered accordingly.

[13] **POINT NO. 2 :**

In view of the foregoing discussion and settled principles of law, the final following order is passed.

:: ORDER ::

- 1] This revision application is **dismissed**.
- 2] The order 14/07/2025 passed by the Learned 6th Addl. Sr. Civil Judge and ACJM, Ahmedabad (Rural) in CRMA No. 3976/2025 is hereby **confirmed**.
- 3] R & P, if any, be sent back forthwith to the learned Magistrate, Ahmedabad with the certified copy of this order.
- 4] All the pending applications, if any, are also disposed off accordingly.

Signed and pronounced in the open Court today on this 25th day of May, 2026.

Place: Ahmedabad
Date: 25-05-2026

(Sanjaykumar Chhaganbhai Makvana)
8th Addl. Sessions Judge, Ahmedabad
(Rural)
UIC NO.GJ00920