GJBH010003502026

IN THE COURT OF 2nd, ADDITIONAL DISTRICT AND SESSIONS JUDGE, BHARUCH

सत्यमेव जयते

Criminal Revision Application No. 13 of 2026.

(In Crime No. 31110240171714)

(In CRMA No. 220/2025)

Exh. ______

Petitioner...

Axis Bank Ltd.,
Sahara Darwaja Surat.
Through Branch Head Axis Bank,
Panchbatti, Bharuch.

Versus.

Respondent/Original Complainant...

1.Vasant Amrutlal Pujara.
Age: 75, Occu: Retired.
R/o: Navjeevan Society,
Dahej cross road,
Bharuch.

2.State.

Appearance:-
Ld. advocate for the petitioner: R.S.Patanwadiya.
Ld. advocate for the respondent/complainant: M.G.Rathod.

ORDER

(1) Present revision application has been filed by Axis Bank Ltd., against the order of the Ld. Chief Judicial Magistrate-Bharuch dated 27/02/2025, passed in Criminal Misc. Application No. 220/2025 below Exh. 5 which was filed u.S. 503 of Bharatiya Nagarik Suraksha Sanhita.

(2) The facts of the case on hand is that, the application was filed by the applicant- Vasant Amrutlal Pujara u.S. 503 of the BNSS who was having his account in State Bank of India and was a victim of cyber crime and Rs. 11,50,000/- was withdrawn (ઉપડી ગયેલ હતા), hence, the complaint was given on the Toll-free in Cyber Crime Helpline No. 1930 vide Complaint No. 31110240171714.

(3) Thereafter, the Cyber Crime Police had freezed some amount as per Section 106 of BNS which included some amount of applicant also, which was not returned to the applicant, no FIR was registered regarding the fraud.

(4) The applicant had provided the details of his bank which is reiterated below.

ખાતા ધારકનું નામ	Vasant A. Pujara
બેંકનું નામ	SBI

ખાતા નંબર	10022629202
IFSC CODE	SBIN0013457

(5) The amount on hold was claimed by the applicant and it was prayed to deposit in the account of the applicant and the application was allowed by passing order below Exh. 5 on 27/02/2025. The order of the Ld. Magistrate Court- Bharuch is reiterated below.

FINAL ORDER

The application u/S. 503 of the BNS is hereby allowed. The amount held in the bank seized in connection with the above offense is ordered to be returned to the applicant on furnishing a surety and personal bond of one and half of the amount seized in the concerned police station. Subject to the following conditions.

It is further ordered that, as per the order of the court, the below mentioned concerned banks shall defreeze the amount and release the said amount in the State Bank of India- Bank Account Number. 10022629202 IFSC code:- SBIN0013457 of complainant Vasant Amrutlal Pujara and submit the report to the Court. The Bank is directed to inform the Court and the concerned Police Station about the compliance of the order within 10 days after receiving the information of the court order.

Sr. No.	BANK NAME	ACCOUNT NO.	IFSC CODE	RELEASE AMOUNT
1	HDFC Bank	50100041279129	HDFC0002597	4206/-
2	HDFC Bank	50100680611321	HDFC0003795	12400/-
3	HDFC Bank	50100756556882	HDFC0000279	2920/-
4	Bank of Maharashtra	20161050050	MAHB0001247	220/-
5	Bank of Baroda	55370100009530	BARB0HATAXX	15900/-
6	Bank of Baroda	78740100009831	BARB0VJGNDU	800/-
7	Bank of Baroda	70490100000354	BARB0VJKADE	1800/-
8	Bank of Baroda	32570100010250	BARB0KOIRAX	1800/-
9	Bank of Baroda	54910200000347	BARB0KESHWA	25000/-
10	Bank of Baroda	25530100011728	BARB0SSICHH	2500/-
11	Bank of Baroda	02830100003146	BARB0VANKAN	8460/-
12	State Bank of India	31460274046	SBIN0005831	38000/-
13	State Bank of India	31842489286	SBIN0005840	24200/-
14	State Bank of India	20094456282	SBIN0006485	20000/-
15	State Bank of India	20320603030	SBIN0001433	17777/-
16	State Bank of India	40544022619	SBIN0031465	15500/-
17	State Bank of India	20094456282	SBIN0006485	12798/-
18	State Bank of India	20095120534	SBIN0018741	10000/-
19	State Bank of India	41636872102	SBIN0015970	10000/-
20	State Bank of India	42118585440	SBIN0013278	9000/-
21	State Bank of India	33449297065	SBIN0005364	8600/-
22	State Bank of India	40219276054	SBIN0001689	4104/-
23	State Bank of India	39107592894	SBIN0003745	3000/-
24	State Bank of India	34064006846	SBIN0000426	2200/-
25	State Bank of India	43083492202	SBIN0014991	2040/-
26	State Bank of India	42682131581	SBIN0030450	1648/-
27	State Bank of India	37103410521	SBIN0006484	1240/-
28	State Bank of India	33125945391	SBIN0003169	1107/-
29	State Bank of India	39968870012	SBIN0005091	1000/-
30	State Bank of India	42642225615	SBIN0012838	585/-
31	State Bank of India	20324347979	SBIN0016821	200/-
32	HDFC Bank	50100356814267	HDFC0000145	1924/-
33	HDFC Bank	50100585004723	HDFC0009355	600/-
34	HDFC Bank	50100656193090	HDFC000250	2000/-
35	HDFC Bank	50100013493576	HDFC000404	11232/-
36	Canara Bank (including Syndicate Bank)	32062250025184	cnrb0013206	8908/-
37	AXIS Bank	917010035543820	UTIB0001867	2420/-
38	AXIS Bank	918010060737189	UTIB0000369	1801/-
39	AXIS Bank	922020020438392	UTIB0003240	1000/-
40	AXIS Bank	924020042887817	UTIB0003218	1876/-
41	Kotak Mahindra Bank	6948980190	KKBK0005294	995/-
42	Ratnakar Bank	409001948975	RATN0000100	5000/-
43	Bank of India	540810110009668	BKID0005408	3000/-
44	Indian Bank	7614982398	IDIB000B774	6612/-
45	Indian Bank	50321482624	IDBI000P617	6013/-
46	Catholic Syrian Bank LTD.	084204976443195001	CSBK0000842	1000/-

Terms

1. The applicant will have to produce the said amount before this Hon'ble Court when Court *ordered it.*

2. If the above mentioned account holder or any other person made claims about the said amount and proves his interest, in that circumstances, the applicant will have to return the said amount.

This order is pronounced in today in the open Court and duly read and signed.

Place: Bharuch. *(S.R.Vakaliya)*
Date: 27/02/2025 *Chief Judicial Magistrate,*
Bharuch.

(6) Now, the said order is under challenge by way of this revision application filed by the Axis Bank LTD. Panchbatti-Bharuch.

(7) This Court has issued notice to other side, the Ld. advocate had appeared on behalf of respondent no. 1 (original applicant) the Ld. APP has appeared on behalf of respondent no. 2 i.e., State. This Court has heard both the side and considered the record.

(8) The Ld. Advocate on behalf of the applicant has submitted as per his application, over and above he has also submitted his written arguments vide Exh. 5 and mainly it is submitted that the order passed by the Ld. Chief Judicial Magistrate is against the provisions of law, perverse and illegal. Referring the order, it is submitted that the money does not belong to the said applicant

solely as there are several victims who have approached to the police and Courts to keep their money in the account with the Petitioner Bank under Freeze and Lien marked which the Bank has complied. It is further submitted that the complainant has filed the complaint with Cyber Crime Cell- Bharuch alleging that the suspected accused has transferred Rs. 1876/- from his account and said amount has reportedly been credited in the suspected Account No. 924020042887817 with the Axis Bank Ltd., Sahara Darwaja- Surat, the petitioner herein and reportedly dishonestly and fraudulently misappropriated the amount by the reported accused. It is further submitted that, based on the complaint filed by the 1st Informant, the complainant, the Police have registered the FIR in Crime No. 31110240171714 for the offence punishable under Section 66(C) & 66(D) of the Information and Technology Act R/w Sections 419 & 420 of Indian Penal Code and the police have freezed the suspected account maintained by the reported accused with the Petitioner Bank bearing Account No. 924020042887817. It is submitted that after passing the order, the Hon'ble Court have issued the Letter dated 27/02/2025 by instructing the petitioner to defreeze the Account No. 924020042887817 with the Petitioner Bank to credit a sum of Rs. 1876/- to the account of the 1st Informant.

8.1) It is further submitted that the petitioner is a banker and representing larger interest of the society, is also custodian of funds of public at large. Under such circumstances it was the duty of the applicant to make the petitioner/Institution as a Party Respondent as the order of the Hon'ble Court may affect the interest of the third parties. The customers of other banks also governed under some terms and conditions for remittance and withdrawal. It is submitted that the order of Hon'ble Court is without giving reasonable opportunity to the petitioner. It is also submitted that the petitioner has received the statutory notices from various Cyber Crime Police/ Law Enforcement Authorities to mark Freeze/ Lien/ Hold in the said account with Bank on behalf of various victims/ complainants through NCRP/ FIR registered to protect their respective money in the said account which the Bank has complied to mark Freeze/ Lien/ Hold.

Apart from the oral submissions, the written arguments filed by the Petitioner Bank are also considered, which is nothing but a repetition of the application filed by the bank and it is mainly prayed by the Petitioner Bank that the order dated 29/02/2025 passed by the Hon'ble Court in Crime No. 31110240171714 be kindly modified to the extent that the account holder may also be called for the hearing and the amount of Rs. 1876/- may be paid as and when the account comes in positive balance and NOC from Cyber Authorities are received by the bank and further, the order dated 29/02/2025 in Crime No. 31110240171714 be keep in abeyance till hearing of the present application and no distress action be taken and the Police Cyber Crime Cell be kindly directed to investigate the matter meticulously and expeditiously in the interest of justice and to provide relief to all the victims and the amount is directed to be given to the applicant be kindly keep under the custody of the Petitioner Bank till the conclusion of the investigation of the Cyber Crime Cell and referred till the account comes in positive balance and till NOC from all the Cyber Cells are received by the Bank.

(9) On the other side, the Ld. APP appearing on behalf of respondent no. 2- State has submitted that the order of the Ld. Trial Court is proper, after considering the report of the Investigating Officer, the order is passed by the Ld. Chief Judicial Magistrate which is purely an interlocutory order and no revision is maintainable against such order as per law. It is also submitted that the present petitioner i.e., Axis Bank Ltd., was not a party before the Ld. Chief Judicial Magistrate Court, hence, have no rights to file a revision application, separate application by the applicant/bank was required to be filed before the Ld. Chief Judicial Magistrate but they have directly approached before this Court by way of revision which is not tenable. It is also submitted that the application was filed by delay. It is submitted that the Petitioner Bank was also custodian of the amount of the applicant and is opined to obey the order of the Ld. Court. Further, it is submitted that the Ld. Trial Court has imposed appropriate conditions for securing the amount if required in future. Hence, the applicant/bank has no right for filing such revision application and as the application is not maintainable, same is required to be dismissed.

(10) Heard the submissionas and considered the record. Before, further discussion, it is required to refer the undisputed facts on record which are mentioned below.

i. The petitioner is having his bank account in State Bank of India regarding which there is no dispute, the details are provided in the application filed before the Ld. Magistrate Court .

ii. The applicant Vasant Amrutlal Pujara is a victim of cyber fraud as per his application and all Rs. 11,50,000/- had been withdrawn (ઉપડી ગયેલ હતા).

iii. Axis Bank Ltd., Panchbatti- Bharuch, this present applicant was not a party before the Ld. Chief Judicial Magistrate.

iv. The original applicant is the victim of fraud, the amount of the applicant has been withdrawn and is transferred from the complainant's bank account to fraudster beneficiary account.

(11) After considering the above undisputed fact, now, coming to the discussion of issue on hand, this Court has referred the order of the Ld. Trial Court. The Ld. Trial Court while passing the Order below Exh. 5 dated 27/02/2025 which is passed after hearing and consideiring the opinion of the Cyber Crime Police Inspector wherein, it was clearly opined that the amount may be returned to the applicant as per the conditions framed by the Hon'ble Court. It is also stated in the order that no one has come before the Court to release the freezed amount except the applicant and as per the opinion of the Competent Authority i.e., Police, the account in which the amount is freezed found suspicious and hence, the amount is required to be returned to the applicant and after considering the opinion of the Police Inspector from Cyber Crime and considering the judgement of Hon'ble Supreme Court in Sundarlal Ambalal Desai Vs. State of Gujarat 2003(1) GLH Page No. 307, the application of the applicant was allowed by the Ld. Chief Judicial Magistrate.

(11.1) The Ld. Trial Court has also imposed the conditions, according to which the applicant will have to produce the said amount before the Hon'ble Court, when Court ordered it and if the above mentioned account holder or any other person made claims about the said amount and proved his interest, in that circumstances the applicant will have to returned the said amount. Hence, what appears from the order of the Ld. Trial Court is that the order passed below Exh. 5 is purely interlocutory order.

(12) At this juncture, Section 438 of the BNSS 2023 is required to be referred which is reiterated below.

<u>**Section 438 in Bharatiya Nagarik Suraksha Sanhita, 2023**</u>

Calling for records to exercise powers of revision.....

a. The High Court or any Sessions Judge may call for and examine the record of any proceeding before any inferior Criminal Court situate within its or his local jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the regularity of any proceedings of such inferior Court, and may, when calling, for such record, direct that the execution of any sentence or order be suspended, and if the accused is in confinement that he be released on his own bond or bail bond or bail bond pending the examination of the record.

<u>**Explanation:**</u> All Magistrates, whether Executive or

Judicial, and whether exercising original or appellate jurisdiction, shall be deemed to be inferior to the Sessions Judge for the purposes of this sub-section and of Section 439.

b. **The powers of revision conferred by sub-section (1) shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceeding.**

c. If an application under this section has been made by any person either to the High Court or to the Sessions Judge, no further application by the same person shall be entertained by the other of them.

(13) It is specifically stated in the provision referred above that, the power of revision shall not to be exercised in relation to interlocutory order.

(14) Further, In the case of Poonam Chand Jain Vs. Fazru, reported in AIR 2005 SC 38, Hon'ble Supreme Court has observed that...

> "Wharton's Law Lexicon 14th Edition Page 529 defines Interlocutory order thus, "an Interlocutory Order" or judgement is one made or given during the progress of an action, but which does not finally dispose of the rights of parties." "... summing up the natural and logical meaning of the interlocutory order, the conclusion is inescapable that an order

which does not terminate the proceedings or finally decides the rights of the parties is only in interlocutory order. In other words, in an ordinary sense of the term, the interlocutory order is one which only decides a particular aspect or a particular issue or a particular manner in a proceeding, suit or trial but which does not however conclude the term at all."

(15) So far, the present application is concerned, the order passed below Exh. 5 is purely an interlocutory. The order pased by the Ld. Chief Judicial Magistrate is of purely interim or temporary nature, which do not decide or touch upon the important rights or liabilities of the parties. Hence, any order which substantially does not affect the right of the party could be an interlocutory order.

(15.1) The order passed by the Ld. Trial Court does not result in finalisation of the proceedings and the proceedings before the Ld. Trial Court would continue. The order passed by the Ld. Magistrate regarding the cost is merely the procedural order without affecting the rights of any party and therefore, it falls within the category of interlocutory order.

(16) This Court has also considered Section 503 of the BNSS which runs as under.

Section 503. Procedure by police upon seizure of property.

(1) Whenever the seizure of property by any police officer is reported to a Magistrate under the provisions of this Sanhita, and such property is not produced before a Criminal Court

during an inquiry or trial, the Magistrate may make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof, or if such person cannot be ascertained, respecting the custody and production of such property.

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(2) If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit and if such person is unknown, the Magistrate may detain it and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such proclamation.

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(17) Referring the above provision of law, the Ld. Magistrate has discretion to make such order as he thinks fit respecting the disposal of the property or to deliver of such property to the person entitled to possession thereof, apart from the above provision of law the Ld. Chief Judicial Magistrate has also considered the judgement of Hon'ble Supreme Court that i.e., Sundarlal Ambalal Vs. State of Gujarat.

(18) Moreover, this Court has also taken note that, the Ld. Magistrate Court has specifically imposed the conditions that if the account holder or any other person made claims about the said amount and proved his interest in that circumstances, the applicant will have to return the said amount.

(18.1) From the entire record it does not appears that the present applicant i.e., Axis Bank Ltd., Panchbatti- Bharuch had made any claim about the amount stated in the application and had proved his interest. Moreover, at present, its not the case of the Axis Bank that some other persons has also claimed the amount stated.

(19) Hence, as discussed above, considering the facts and circumstances of the present case the order passed by the Ld. Magistrate below Exh. 5 and considering the provision of law discussed above as well as the judgement of the Hon'ble Supreme Court i.e., Sundarlal Ambalal Desai Vs. State of Gujarat the present application would not be maintainable, further, no illegality or perversity appears in the order of Ld. Chief Magistrate Court- Bharuch, hence, following order.

ORDER

The present Criminal Revision Application No. 13 of 2026 is hereby Dismissed.

No order as to cost.

Signed and pronounced in the open Court today on this 30th day of June 2026.

Date: 30/06/2026 Place: Bharuch (KKC)	**Ejaz Mohsinali Shaikh** 2nd Additional District & Sessions Judge Bharuch(GJ00627)