

GJKT020015842026



**IN THE COURT OF  
CHIEF JUDICIAL MAGISTRATE  
AT BHUJ, KACHCHH  
(Presided Over by M.M.QURESHI)**

**CRMA J/433/2026**

**Applicant**

ABDULRUF S/O. HAMID (MAULANA) SAMA,  
Age: 20 years,

**Residing at**

NANA BANDHA, NAVAVAS, RATDIYA KHAVDA  
TALUKA BHUJ, DISTRICT-KACHCHH.

**VERSUS**

**Opponent**

The State of Gujarat

**Subject : Application under Section 497 and 503 of  
the BNSS.**

**Appearance:**

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Ld. Advocate A.A.Padhiyar for the applicant  
Ld. A.P.P Mr.R.R.Prajapati for the opponent

**:: O R D E R ::**

1. The applicant has filed the present application under Sections 497 and 503 of BNSS to release the muddamal amount of **Rs.2,92,607.81/-**.
2. The brief fact of the application is that the applicant is a victim of cyber crime, and without his consent, the amount of **Rs.27,19,678/-** was debited from his account; therefore, he logged a complaint on the cybercrime portal vide acknowledgement/ Ticket/ Inward No. **31101260004497** and informed about the offences and provided his bank details to the investigation officer. Upon receiving the complaint, the investigation officer frozen the following Bank Account in which the total amount of **Rs.2,92,607.81/-** was frozen, and the applicant claimed the amount of **Rs.2,92,607.81/-**.

<b>Sr. No.</b>	<b>Name of the Bank</b>	<b>Account No.</b>	<b>Frozen Amount Rs.</b>
1	airtel payments bank	9362186887	39.73
2	airtel payments bank	9939702888	276.74
3	Axis bank	923010026851599	18.53
4	Axis bank	924010072965090	734
5	Axis bank	924010072965090	1266
6	Axis bank	924020059901148	2000
7	Axis bank	922020057884197	2630.38
8	Axis bank	923010026851599	2981.47
9	Axis bank	924010014680342	3038.38

10	Axis bank	924010070855898	3193.44
11	Axis bank	910010008672387	4996
12	Axis bank	922010028443412	6870
13	Axis bank	92410070855898	28806.56
14	Bandhan bank	20200053418809	404.39
15	Bank of Baroda (including vijaya Bank and Dena Bank)	32590200000002	26.39
16	Bank of Baroda (including vijaya Bank and Dena Bank)	59390100002103	34.45
17	Bank of Baroda (including vijaya Bank and Dena Bank)	19858100035641	95.23
18	Bank of Baroda (including vijaya Bank and Dena Bank)	99340100012377	205.19
19	Bank of Baroda (including vijaya Bank and Dena Bank)	26358100012571	500
20	Bank of Baroda (including vijaya Bank and Dena Bank)	3730100021082	540
21	Bank of Baroda (including vijaya Bank and Dena Bank)	89088100000069	700
22	Bank of Baroda (including vijaya Bank and Dena Bank)	13250100022986	1050
23	Bank of Baroda (including vijaya Bank and Dena Bank)	19850100007077	1200
24	Bank of Baroda (including vijaya Bank and Dena Bank)	35918100010562	1203.68

25	Bank of Baroda (including vijaya Bank and Dena Bank)	12578100017544	1228.66
26	Bank of Baroda (including vijaya Bank and Dena Bank)	62710100006164	2000
27	Bank of India	604510110001877	379.24
28	Bank of India	885418210004692	865.2
29	Bank of India	604510110001877	1500
30	Bank of India	604510110001877	2000
31	Bank of India	440610110008415	3999
32	Bank of Maharashtra	60547405883	5380
33	Catholic Syrian Bank LTD (CSB)	67777210043216018 5	1000
34	Central Bank of India	5827856636	19.4
35	Central Bank of India	3200941529	500
36	Central Bank of India	1273534863	1800
37	Central Bank of India	3288598317	9000
38	City Union Bank	500101012227108	2388
39	Federal Bank	26400200000513	320
40	HDFC Bank	50100702843051	41.87
41	HDFC Bank	50100222897349	500
42	HDFC Bank	50100666832162	900
43	HDFC Bank	5020099304393	2000
44	HDFC Bank	99998789047647	10000
45	ICICI Bank	163901003213	773
46	ICICI Bank	151801002853	800
47	IDBI Bank	121102000043333	999
48	IDBI Bank	1610102000004343	1499
49	IDBI Bank	1596102000006538	4000
50	Indian Bank (including	8064072406	179

	Allahabad Bank)		
51	Indian Bank (including Allahabad Bank)	8078967173	204
52	Indian Bank (including Allahabad Bank)	7717785177	749.52
53	Indian Bank (including Allahabad Bank)	8062442166	1024
54	Indian Overseas Bank	222502000000761	40.25
55	Indian Overseas Bank	222502000000761	700
56	IndusInd Bank	201003454382	551.92
57	Jammu and Kashmir Bank	84904100000854	30.71
58	Jammu and Kashmir Bank	1304080060992	42.96
59	Jammu and Kashmir Bank	725040150002023	500
60	Karnataka Bank Ltd	845202500001601	30000
61	Kerala Gramin Bank	40736111000973	1000
62	Kerala State Co-Operative Bank	163310801200283	26000
63	Kotak Mahindra Bank	2047685004	900
64	Kotak Mahindra Bank	6612553170	981.96
65	Kotak Mahindra Bank	2349837774	4362.06
66	Kotak Mahindra Bank	2449520491	30000
67	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	6031001700264473	12.76
68	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	1245001700050863	26.75
69	Punjab National Bank (including Oriental Bank	1971201700024781	31.08

	of Commerce and United Bank of India)		
70	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	880010110322	128.06
71	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	6659000100050361	500
72	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	6932001700140517	501.15
73	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	8201700193542	975.32
74	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	2066101700007545	2000
75	State Bank of India	42071107971	28.22
76	State Bank of India	20443061142	65.98
77	State Bank of India	30996851579	75.04
78	State Bank of India	32381998391	99.26
79	State Bank of India	39917190355	115.58
80	State Bank of India	41694609391	148.05
81	State Bank of India	35036108368	170.51
82	State Bank of India	43685008386	393.76
83	State Bank of India	34672687904	467.29
84	state Bank of India	33658399035	531.77
85	state Bank of India	35591886899	584.01
86	state Bank of India	42575495031	706.34

87	state Bank of India	42747427952	1000
88	state Bank of India	41282302276	1000
89	state Bank of India	36382676656	1296
90	state Bank of India	41840457136	1553.2
91	state Bank of India	42540251424	1800
92	state Bank of India	41690034844	2000
93	state Bank of India	35985495800	2000
94	state Bank of India	32645534523	2000
95	state Bank of India	38962294733	2500
96	state Bank of India	37911910310	2975.81
97	state Bank of India	43005358712	3114
98	state Bank of India	42977746727	4001.69
99	state Bank of India	33004774931	4971.78
100	state Bank of India	38699054936	4998.5
101	state Bank of India	20266817271	5921.62
102	state Bank of India	41660576566	7000
103	state Bank of India	35208726391	15000
104	TRI O TECH SOLUTIONS PRIVATE LIMITED	fpplf1ccleaeaa86	2980
105	UCO Bank	14590110103708	29.19
106	UCO Bank	8520100004509	91
107	UCO Bank	11920210002537	1000
108	Union Bank of India(including Andhra bank and corporation bank)	524101000345681	799.78
109	Union Bank of India(including Andhra bank and corporation bank)	204910100171068	1045
110	Union Bank of	167510100036695	2000

	India(including Andhra bank and corporation bank)		
<b>TOTAL AMOUNT FROZEN Rs.</b>			<b>Rs.2,92,607.81/-</b>

Therefore, he claimed **Rs.2,92,607.81/-** amount of fraud, and on the other side, no one claimed the frozen account.

3. The learned advocate representing the applicant argued that the applicant fell victim to cybercrime, and the investigating officer seized the bank account to which the victim's funds were transferred. Therefore, the applicant should receive the transferred funds. Further, no other person has claimed the amount paid till date. If the principal amount remains in the bank for a long time, the applicant may face a financial crisis and suffer a lot of inconvenience due to not being able to use the principal money. So the applicant has demanded to return the amount in question to them. Additionally, he stated that the concerned bank has no connection to the matter and is not the trustee of the said amount. According to the police report, no objections were raised regarding the frozen account, and the investigating officer submitted favourable remarks in support of the application. On the other hand, the learned Additional Public Prosecutor requested the court issue an appropriate order.

4. A police opinion has been sought in this case. According

to the opinion of the investigation officer, the police have seized the amount in question based on the complaint of the applicant. The account holder or any other person has not raised any objection regarding the seizure of the bank account containing the amount, stating that the seized account is found to be fake, and has given an opinion to hand over the claimed amount to the applicant.

5. Considering the opinion of the investigating officer and the documents submitted, it is contained that the money of the victim of cybercrime is transferred online, and the money of the victim of cybercrime is immediately stopped by the cybercrime police station to stop such money and prevent the crime. At the same time, a notice is given under sections 91 and 102 of the CrPC to freeze the money in the suspicious bank account of the citizen and to inform the bank if the money has been transferred from there. Banks freeze these suspiciously received funds on a notice basis. The present applicant informed the cybercrime police about the cybercrime committed. Based on the application, the money was transferred from the above account of the applicant by the Cyber Crime Police Station to different bank accounts of the suspect bank, whose bank account has been frozen as per Section 102 CrPC. Further, the suspected counterparty of the applicant's bank account has been frozen. However, it has not been reported to the police till date, so this account number has been found to be fake, and after seizing the account, **no objection has been raised before the police regarding the seizure of**

**the account by the owner or any other person**, so the money should be returned to the applicant.

6. After hearing the learned advocates for both parties, it is important to note that the suspicious bank account has indeed been frozen by the investigating officer using powers conferred by Section 106 of the BNSS. The investigating officer has not intimated and did not adhere to the provisions of Section 106 of the BNSS. while freezing the bank account. To comprehend this matter, it is necessary to refer to Section 106 of the BNSS., which states as follows:

“106. (1) Any police officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence.

(2) Such police officer, if subordinate to the officer in charge of a police station, shall forthwith report the seizure to that officer.

(3) Every police officer acting under sub-section (1) shall forthwith report the seizure to the Magistrate having jurisdiction and where the property seized is such that it cannot be conveniently transported to the Court, or where there is difficulty in securing proper accommodation for the custody of such property, or where the continued retention of the property in police custody may not be considered necessary for the purpose of investigation, he may give custody thereof to any person on his executing a bond undertaking to produce the property before the Court as and when required and to give effect to the further orders of the Court as to the disposal of the same: Provided that where the property seized under sub-section (1) is subject to speedy and natural decay and if the person entitled to the possession of such property is unknown or absent and the value of such property is less than five hundred rupees, it may forthwith be sold by auction under the orders of the Superintendent of Police and the provisions of sections 503 and 504 shall, as nearly as may be practicable, apply to the net proceeds of such sale.”

7. Sub-section (3) of Section 106 of the BNSS. explicitly states that a police officer must report the seizure of property to the Court with jurisdiction. The use of the terms "every police officer" and "shall" in this subsection makes this requirement mandatory. It is imperative that the Magistrate with jurisdiction be informed, as they are responsible for the seized property under the investigating officer's purview. The investigating officer cannot exercise authority under Section 106 of the BNSS. without notifying the relevant magistrate. Failure to adhere to sub-section (3) of Section 106 of the BNSS. by the police officer constitutes a grave error on their part. Such action cannot be considered a lawful seizure as outlined in Section 106 of the BNSS. The unilateral seizure of property by a police officer without informing the magistrate is arbitrary and essentially void. The report of the police officer is silent about notifying this court of the action under 106 of the BNSS. clearly indicates that after freezing the suspicious bank account under Section 106 of the BNSS., the investigating officer failed to inform the relevant Magistrate.
8. For adjudicating the issue at hand, the definition of the words inquiry and investigation as provided in Section 2(1)(k) and (l) of BNSS are reproduced below :
  1. As per Sec. (k) "inquiry" means every inquiry, other than a trial, conducted under this Sanhita by a Magistrate or Court;
  2. While under S.(l) "investigation" includes all the proceedings under this Sanhita for the collection of evidence conducted by a police officer or by any person (other than a Magistrate) who is authorised by a Magistrate in this behalf.
9. **What is investigation** - THE BHARATIYA NAGARIK SURAKSHA (SECOND) SANHITA, 2023 provides the procedure for investigation and the report of the Police Officer on completion of investigation. Sec. 157 Cr.P.C states as follows:-
  - "176. (1) If, from information received or otherwise, an officer in charge of a police station has reason to suspect the

commission of an offence which he is empowered under section 175 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the State Government may, by general or special order, prescribe in this behalf, to proceed, to the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender:

**Provided that—**

(a) when information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a police station need not proceed in person or depute a subordinate officer to make an investigation on the spot;

(b) if it appears to the officer in charge of a police station that there is no sufficient ground for entering on an investigation, he shall not investigate the case:

Provided further that in relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice and as far as practicable by a woman police officer in the presence of her parents or guardian or near relatives or social worker of the locality and such statement may also be recorded through any audio-video electronic means including mobile phone.

(2) In each of the cases mentioned in clauses (a) and (b) of the first proviso to sub-section (1), the officer in charge of the police station shall state in his report the reasons for not fully complying with the requirements of that sub-section by him, and, forward the daily diary report fortnightly to the Magistrate and in the case mentioned in clause (b) of the said proviso, the officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by rules made by the State Government.

(3) On receipt of every information relating to the commission of an offence which is made punishable for seven years or more, the officer in charge of a police station shall, from such date, as may be notified within a period of five years by the State Government in this regard, cause the forensic expert to visit the crime scene to collect forensic evidence in the offence and also cause videography of the process on mobile phone or any other electronic device:

Provided that where forensic facility is not available in

respect of any such offence, the State Government shall, until the facility in respect of that matter is developed or made in the State, notify the utilisation of such facility of any other State.”

10. In view of the S. 2(1)(k) and (l), 176 of BNSS, in the foregoing paragraphs, it is clear that investigation is an activity which is different from an inquiry or trial. As the stage of inquiry commences from the date of filing of the charge-sheet, the period prior to filing of the charge-sheet would have to be considered to be the stage of investigation.
11. At this stage, it is required to look into Section 503 of the **BNSS**. Therefore, it is reproduced here.

“503. (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.

(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.”

12. As per Section 503(1) of the BNSS, where seizure of property by any police officer is reported to the Magistrate and such property has not been produced before the court during the investigation, the Magistrate has the power to make such an order for disposal or possession of such

property as he thinks fit.

13. In the case of **Hansaben W/o Sunilbhai Gulabsinh Padhiyar Versus State Of Gujarat** the Hon'ble High Court of Gujarat observed as under:

“15. In the light of the principle laid down by the Apex Court in State of Maharashtra v. Tapas D. Neogy's case (supra), the police officer concerned would definitely have the power to order 'seizure' of the bank account of an accused or of his relatives, as the same is 'property' within the meaning of section 102 of the Code. It is to be noted that seizure and production in Court of any property will have a two-fold effect. Seizure may be necessary in order to preserve the property, for the purpose of enabling the Court, to pass suitable orders under section 452 or 453 of the Code, as the case may be, at the conclusion of trial; and production of the property may be necessary as evidence of the commission of the crime. This two-fold object of investing the police with the powers of seizure, have to be borne in mind while setting this legal issue.”

14. I may also refer to the decision of the Gujarat High Court in the case of **Paresha G. Shah v/s. State of Gujarat**, in Special Criminal Application No.150 of 2015 decided on 15.06.2015, whereby it is observed as under :-

“Like any other property a bank account is freezable. Freezing the account is an act in investigation. Like any other act, it commands and behoves secrecy to preserve the evidence. It does not deprive any person of his liberty or his property. It is necessarily temporary i.e. till the adequate material is collected. It clothes the authority with the power to preserve a property suspected to have been used in the commission of the offence in any manner. The property, therefore, requires to be protected from dissemination, depletion or destruction by any mode. Consequently, under the guise of being given information about the said action, no accused, not even a third party, can overreach the law under the umbrella of a sublime provision meant to protect the innocent and preserve his property. It is also not necessary at all that a person must be told that his bank account, which is suspected of having been used in the commission of an offence by himself or even by another, is being frozen to allow him to have it closed or to have its proceeds withdrawn or transferred upon such notice.”

15. The Hon'ble Apex Court in case of **Sunderbhai Ambalal Desai State of Gujarat (AIR 2003 SC 638)** has expressed its view, directing the procedure for handing over currency notes, which is as follows:

***Valuable Articles and Currency Notes***

*11. With regard to valuable articles, such as golden or silver ornaments or articles studded with precious stones, it is submitted that it is of no use to keep such articles in police custody for years till the trial is over. In our view, this submission requires to be accepted. In such cases, Magistrate should pass appropriate orders as contemplated under Section 451 Cr.P.C. at the earliest.*

*12. For this purposes, if material on record indicates that such articles belong to the complainant at whose house theft, robbery or dacoity has taken place, then seized articles be handed over to the complainant after:-*

*(1) preparing detailed proper panchanama of such articles:*

*(2) taking photographs of such articles and a bond that such articles would be produced if required at the time of trial; and*

*(3) after taking proper security."*

16. The power under **Section 503** of BNSS. should be exercised expeditiously and judiciously, which clearly empowers the Court to order for proper custody of the articles or property pending the conclusion of the trial, as the owner of the article would not suffer because of its remaining unused or its misappropriation. The court or police would not be required to keep the article in safe custody, and if a proper panchnama is prepared before handing over possession of the article, that can be used as evidence instead of its production before the court during the trial.

17. Based on the factual evidence and the legal principles outlined by the authorities, it appears that the investigating officer did not adhere to the provisions of Section 106(3). Additionally, the lack of any claim from the account

holder regarding the frozen funds further suggests potential involvement in suspicious activity. However, the applicant appearing before this court, claiming to be a victim of cybercrime, seeks the return of the fraudulently transferred amount held within the frozen account.

18. At this juncture, observation made by the Division Bench of **Hon'ble Delhi High Court in the case of Ms. Swaran Sabharwal v/s. Commissioner of Police [(1988) Cr.L.J. 241]**, which reads as under :-

“in to the case of seizure of a bank account, the police officer should have done two things : he should have informed the concerned magistrate forthwith regarding the prohibitory order. He should have also give notice of the seizure to the petitioner and followed her to operate the bank account subject to her executing a bond undertaking to produce the amounts in court as and when required or to hold them subject to such orders as the court may make regarding the disposal of the same. This was not done. Even a copy of the prohibitory orders was not given to the petitioner. The police did not seek the directions of the Magistrate trying the offence. Not only that, when the petitioner herself approached the Magistrate who was trying the petitioner's husband under the official Secrets Act, her request to be allowed to operate the account was opposed by the police contending that the bank account was not "case property" and that the petitioner's remedies lay elsewhere than in the court of the Magistrate. The Magistrate accepted the plea of the police and dismissed the application of the petitioner and directed to seek remedy elsewhere before the appropriate authority. The petitioner having lost before the Magistrate, had no other recourse except to file a writ petition praying for the setting aside of the prohibitory order.”

19. In the case of **Bharat Heavy Electricals Ltd., Hyderabad Vs. State & Another, 1981 0 CRLJ 1529**, the **Hon'ble Andhra Pradesh High Court** has held that the Criminal Court had the power under Section 457 Cr.P.C. for delivery or disposal of a property prior to filing

of a charge-sheet. However, it added a Caveat as follows:

**"Even if I am wrong, I could still direct the delivery of the property to the petitioner company under Section 482 Criminal P.C. in order to secure the ends of justice."**

**20. In the case of the Court of its own motion Vs. The State of Jharkhand and other, W.P(PIL) No.6086 of 2023, order No.5/ Date:18th December 2023, the Hon'ble Jharkhand High Court has Observed and held during the public interest litigation as below :**

**para 16** ,There can be no measure of doubt that there is every likelihood of the defrauded money being spent, consumed,transferred,gifted, layered etc. in several ways and, therefore, the Defrauded money shall fall under the expression "if the property is subject to speedy and natural decay". Therefore, in every case where a First Information Report has been lodged, the concerned Magistrate can exercise the powers under section 451 for release of the defrauded money to the victim on submission of a report and upon filing an indemnity bond in the Court by the victim. Furthermore, there may be a case in which a person or account may not be directly involved in the crime. Notwithstanding that, the police may issue direction(s) and the concerned bank can take action thereon for freezing of such account and therefore the concerned Magistrate shall take note of this aspect of the matter and pass appropriate order for release of such amount in favour of the victim of a cyber fraud.Under section 457, a Magistrate may issue a direction for release of the property to the person entitled to the possession thereof during an inquiry of trial even though the property is not produced in the Court.

21. In cases of cybercrime where funds are transferred through platforms like Google Pay, Paytm, or any other wallet, or via bank transfers such as IMPS or NEFT, an important question arises: are the banks or the transfer platform providers necessary parties to the proceedings, and should they be heard before any order is passed? Particularly when payments are made through the Unified Payment Interface (UPI) platform, owned by the National Payments Corporation of India (NPCI), it's crucial to consider the involvement of these platforms.

22. The UPI platforms, like PhonePe or G Pay, are not directly owned by banks but rather by NPCI. Legally, the applicant is viewed as a third-party application provider by NPCI, or a system provider. Essentially, regardless of the varying terminologies used in different laws, entities providing UPI services—be they banks or platforms like PhonePe or G Pay—hold the status of intermediaries, as defined under the Information Technology Act, 2000. Section 79 of the IT Act offers protection to intermediaries to the extent provided under its provisions. Section 79 of the IT Act reads as follows:

**“79. Exemption from liability of intermediary in certain cases.--**

(1) Notwithstanding anything contained in any law for the time being in force but subject to the provisions of sub-sections (2) and (3), an intermediary shall not be liable for any third party information, data, or communication link made available or hosted by him.

(2) The provisions of sub-section (1) shall apply if--

(a) the function of the intermediary is limited to providing access to a communication system over which information made available by third parties is transmitted or temporarily stored or hosted; or

(b) the intermediary does not--

(i) initiate the transmission,

(ii) select the receiver of the transmission, and

(iii) select or modify the information contained in the transmission;

(c) the intermediary observes due diligence while discharging his duties under this Act and also observes such other guidelines as the Central Government may prescribe in this behalf.

(3) The provisions of sub-section (1) shall not apply if--

(a) the intermediary has conspired or abetted or aided or induced, whether by threats or promise or otherwise in the commission of the unlawful act;

(b) upon receiving actual knowledge, or on being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a computer resource controlled by the intermediary is being used to commit the unlawful act, the intermediary fails to expeditiously remove or disable access to that material on that resource without vitiating the evidence in any manner.

**Explanation.** -- For the purposes of this section, the expression "third party information" means any information dealt with by an intermediary in his capacity as an intermediary."

23. Section 79 of the IT Act stipulates that regardless of any other law, an intermediary cannot be held liable for any information, data, or communication link provided or hosted by them on behalf of a third party. This provision is applied according to its own criteria. An intermediary is

not held responsible if they haven't initiated the transmission, chosen the recipient of the transmission, or altered any information within it. The term "third party information" under Section 79 refers to information handled by the intermediary in their capacity as an intermediary.

24. It's important to note a significant factor: neither the bank nor the UPI platforms are the accused parties. However, it's crucial to recognize that freezing an account or placing a lien on funds doesn't necessitate someone being accused. It's often the money trail that raises suspicion and leads to such actions. Therefore, there's no requirement for bank or UPI platforms to be heard, as Section 106 of the BNSS empowers the investigating agency to direct the freezing of accounts within its jurisdiction.
25. In situations where the identity of the suspect remains unknown, Section 503 of the BNSS serves as a vital recourse for the Criminal Court during the investigative phase. It allows the court to intervene and order the release of seized property when the police authorities fail to comply with the provisions outlined in Section 106 of the BNSS. However, if the police persist in retaining custody of the seized property unlawfully, individuals find themselves devoid of any effective remedies. Their only option is to seek relief through the High Court under Section 528 of the BNSS, or Article 226 of the Constitution. Unfortunately, this presents a formidable challenge, particularly for individuals residing in remote

areas or belonging to disadvantaged sections of society. In such circumstances, the efficacy of Section 503 of the BNSS. is called into question, as it becomes functionally redundant. This highlights the urgent need for procedural reforms aimed at ensuring equitable access to justice for all individuals, regardless of their geographical location or socio-economic background.

26. Considering the copies of bank statements submitted along with the said application, the opinion expressed by the investigating officer, and the documents, and statements submitted by the bank, it is clear at this stage that the money has been withdrawn from the account mentioned in the application and transferred to the suspect bank account. Moreover, considering the facts on record, no FIR has been filed till date in the present case. It does not appear that anyone has been arrested in connection with the incident or in the present case, and even though such a long period of time has passed since the incident, till date no one other than the applicant has filed any application before this court demanding the above amount. No one seems to have demanded this money before, and the investigating officer has stated that the bank account is fake, and after seizing the account, the owner or any other person has not raised any objection before them (police) about seizing the account. So the investigating officer has given a clear opinion to return the money to the applicant. According to the Investigating Officer's opinion, another investigating agency has also frozen and scrutinized these

accounts. Hence, prima facie, it appears that the bank accounts in question are involved in fraudulent activities. The Investigating Officer has invoked Section 106 of the B.N.S.S. to freeze several bank accounts belonging to the accused. These accounts have been independently frozen by various agencies in different locations, as investigations have uncovered their association with bank account numbers implicated in fraudulent activities. Consequently, it is crucial that the frozen amount be returned to the applicant, as this action will serve to uphold justice in this matter. The Court is of the opinion that the petitioner is entitled to possession of the money.

27. In the course of handling cybercrime cases, this Court has observed that banks often refuse to comply with court orders for the release of seized funds, citing the need for a No Objection Certificate (NOC) from other investigating agencies that have imposed a lien or freeze on the account. This practice is improper and unjustified. Banks must develop a Standard Operating Procedure (SOP) to ensure compliance with court orders for the return of funds to victims without unnecessary delays.

28. Cyber fraud accounts are frequently linked to multiple offenses, and the unwarranted demand for an NOC obstructs the rightful recovery of funds by victims. Furthermore, such delays compel banks to appear before the Court and face legal proceedings. If banks promptly

transfer funds as per court orders, investigating agencies can continue their inquiries into further layers of financial transactions in other related offenses. However, the failure to release frozen funds not only hinders justice but also disrupts ongoing investigations into cyber fraud networks. Therefore, banks are directed to comply with court orders without insisting on an NOC from other agencies unless explicitly mandated by law.

29. For the reasons stated above, the present application seems fit to be allowed in the interest of justice; it is ordered as follows.

**:: FINAL ORDER ::**

This application is hereby **ALLOWED**, subject to the following conditions:

- **Release of Seized Funds:** The Muddamal amount of **Rs.2,92,607.81/-** seized by the Cyber Crime Cell in connection with acknowledgement/ticket/inverd **No.31101260004497** and the following Bank's are frozen the amount shown in the statement below, **ordered released** to the applicant, **ABDULRUF S/O. HAMID (MAULANA) SAMA** as **interim custody** pending final disposal of this case.

<b>Sr. No.</b>	<b>Name of the Bank</b>	<b>Account No.</b>	<b>Frozen Amount Rs.</b>
1	airtel payments bank	9362186887	39.73

2	airtel payments bank	9939702888	276.74
3	Axis bank	923010026851599	18.53
4	Axis bank	924010072965090	734
5	Axis bank	924010072965090	1266
6	Axis bank	924020059901148	2000
7	Axis bank	922020057884197	2630.38
8	Axis bank	923010026851599	2981.47
9	Axis bank	924010014680342	3038.38
10	Axis bank	924010070855898	3193.44
11	Axis bank	910010008672387	4996
12	Axis bank	922010028443412	6870
13	Axis bank	92410070855898	28806.56
14	Bandhan bank	20200053418809	404.39
15	Bank of Baroda (including vijaya Bank and Dena Bank)	32590200000002	26.39
16	Bank of Baroda (including vijaya Bank and Dena Bank)	59390100002103	34.45
17	Bank of Baroda (including vijaya Bank and Dena Bank)	19858100035641	95.23
18	Bank of Baroda (including vijaya Bank and Dena Bank)	99340100012377	205.19
19	Bank of Baroda (including vijaya Bank and Dena Bank)	26358100012571	500
20	Bank of Baroda (including vijaya Bank and Dena Bank)	3730100021082	540
21	Bank of Baroda (including vijaya Bank and Dena Bank)	89088100000069	700

22	Bank of Baroda (including vijaya Bank and Dena Bank)	13250100022986	1050
23	Bank of Baroda (including vijaya Bank and Dena Bank)	19850100007077	1200
24	Bank of Baroda (including vijaya Bank and Dena Bank)	35918100010562	1203.68
25	Bank of Baroda (including vijaya Bank and Dena Bank)	12578100017544	1228.66
26	Bank of Baroda (including vijaya Bank and Dena Bank)	62710100006164	2000
27	Bank of India	604510110001877	379.24
28	Bank of India	885418210004692	865.2
29	Bank of India	604510110001877	1500
30	Bank of India	604510110001877	2000
31	Bank of India	440610110008415	3999
32	Bank of Maharashtra	60547405883	5380
33	Catholic Syrian Bank LTD (CSB)	67777210043216018 5	1000
34	Central Bank of India	5827856636	19.4
35	Central Bank of India	3200941529	500
36	Central Bank of India	1273534863	1800
37	Central Bank of India	3288598317	9000
38	City Union Bank	500101012227108	2388
39	Federal Bank	26400200000513	320
40	HDFC Bank	50100702843051	41.87
41	HDFC Bank	50100222897349	500
42	HDFC Bank	50100666832162	900
43	HDFC Bank	5020099304393	2000

44	HDFC Bank	99998789047647	10000
45	ICICI Bank	163901003213	773
46	ICICI Bank	151801002853	800
47	IDBI Bank	121102000043333	999
48	IDBI Bank	1610102000004343	1499
49	IDBI Bank	1596102000006538	4000
50	Indian Bank (including Allahabad Bank)	8064072406	179
51	Indian Bank (including Allahabad Bank)	8078967173	204
52	Indian Bank (including Allahabad Bank)	7717785177	749.52
53	Indian Bank (including Allahabad Bank)	8062442166	1024
54	Indian Overseas Bank	222502000000761	40.25
55	Indian Overseas Bank	222502000000761	700
56	IndusInd Bank	201003454382	551.92
57	Jammu and Kashmir Bank	84904100000854	30.71
58	Jammu and Kashmir Bank	1304080060992	42.96
59	Jammu and Kashmir Bank	725040150002023	500
60	Karnataka Bank Ltd	845202500001601	30000
61	Kerala Gramin Bank	40736111000973	1000
62	Kerala State Co-Operative Bank	163310801200283	26000
63	Kotak Mahindra Bank	2047685004	900
64	Kotak Mahindra Bank	6612553170	981.96
65	Kotak Mahindra Bank	2349837774	4362.06
66	Kotak Mahindra Bank	2449520491	30000
67	Punjab National Bank	6031001700264473	12.76

	(including Oriental Bank of Commerce and United Bank of India)		
68	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	1245001700050863	26.75
69	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	1971201700024781	31.08
70	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	880010110322	128.06
71	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	6659000100050361	500
72	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	6932001700140517	501.15
73	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	8201700193542	975.32
74	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	2066101700007545	2000
75	State Bank of India	42071107971	28.22
76	State Bank of India	20443061142	65.98
77	State Bank of India	30996851579	75.04
78	State Bank of India	32381998391	99.26
79	State Bank of India	39917190355	115.58

80	State Bank of India	41694609391	148.05
81	State Bank of India	35036108368	170.51
82	State Bank of India	43685008386	393.76
83	State Bank of India	34672687904	467.29
84	state Bank of India	33658399035	531.77
85	state Bank of India	35591886899	584.01
86	state Bank of India	42575495031	706.34
87	state Bank of India	42747427952	1000
88	state Bank of India	41282302276	1000
89	state Bank of India	36382676656	1296
90	state Bank of India	41840457136	1553.2
91	state Bank of India	42540251424	1800
92	state Bank of India	41690034844	2000
93	state Bank of India	35985495800	2000
94	state Bank of India	32645534523	2000
95	state Bank of India	38962294733	2500
96	state Bank of India	37911910310	2975.81
97	state Bank of India	43005358712	3114
98	state Bank of India	42977746727	4001.69
99	state Bank of India	33004774931	4971.78
100	state Bank of India	38699054936	4998.5
101	state Bank of India	20266817271	5921.62
102	state Bank of India	41660576566	7000
103	state Bank of India	35208726391	15000
104	TRI O TECH SOLUTIONS PRIVATE LIMITED	fpplf1ccleaea86	2980
105	UCO Bank	14590110103708	29.19
106	UCO Bank	8520100004509	91
107	UCO Bank	11920210002537	1000

108	Union Bank of India(including Andhra bank and corporation bank)	524101000345681	799.78
109	Union Bank of India(including Andhra bank and corporation bank)	204910100171068	1045
110	Union Bank of India(including Andhra bank and corporation bank)	167510100036695	2000
<b>TOTAL AMOUNT FROZEN Rs.</b>			<b>Rs.2,92,607.81/-</b>

● **Security and undertaking:**

The applicant shall furnish, by way of security, a bond amounting to the seized amount and also provide a surety of equivalent value.

1. The applicant shall further file an undertaking to produce the aforementioned amount as and when directed by this court.
2. The applicant shall appear before the I.O. as and when called for and cooperate with the investigation.

Upon receiving the bond and surety, the police officer shall immediately inform the concerned Bank to comply with this order.

● **Bank Instructions:**

The police officer shall **Inform Concerned Bank** to comply with this order and transfer the **Rs.2,92,607.81/-** to the applicant's **UNION Bank of India** account **No.046622010002186, IFSC Code UBIN0904660** within **10 days** of receiving the order.

1. Upon receiving the order from Investigating officer, the bank is directed to transfer the frozen/line amount as per above within 10 days of receiving the communication from the police officer.
2. If the available funds in the frozen account are less than the specified amount, the bank is instructed to transfer the available balance to the applicant's account without insisting on a revised order from the court.
3. The bank has **no authority to ask the NOC** from the other investigating agency for compliance of this order in case of multiple agency lien/frozen the same account.
4. In cases where multiple claims from cybercrime victims across different states exist, and **various courts have issued orders** for refunds from the same account, the bank shall submit a comprehensive report detailing all claims against the fraudulent account. This report shall assist in the review and rehearing of the case. Pending the resolution of these claims, the bank is directed to transfer the funds from the fraudulent account into a fixed deposit account under the bank's custody. The fixed deposit shall be structured to accrue interest, ensuring the benefit of interest is passed on to the claimants proportionately, based on their respective entitlements.

- **Compliance Report:** The Concerned bank shall submit a **compliance report** to this court and the police station within **10 days** of transferring the funds.
- **Communication of Order:**  
The Registry shall communicate this order to the concerned police station for immediate compliance.

Signed and Pronounced in the open court today, April 07, 2026, at Bhuj.

**(Mohammed Zaid M. Qureshi.)**  
**Chief Judicial Magistrate,**  
**Code No.GJ01472.**

*VBJOSHI*