

GJKT020018892026



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

**CRMA J/494/2026**

**Applicant**

HARIDKBHAI KETANKUMAR THACKER,

Age: 30 years,

Mobile No.7567581226.

**Residing at**

NAVI RAWALVADI RAGHUVANSHI NAGAR, C-152 BHUJ  
KACHCHH.

**VERSUS**

**Opponent**

The State of Gujarat.

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

**Appearance:**

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Ld. Advocate K.H.Bhatia for the applicant  
 Ld. A.P.P Mr.R.R.Prajapati for the opponent

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**:: 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.4,28,597.56/-**.
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.43,01,498/-** was debited from his account; therefore, he logged a complaint on the cybercrime portal vide acknowledgement/ Ticket/ Inward **No.31101260003625** 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.4,28,597.56/-** was frozen, and the applicant claimed the amount of **Rs.4,28,597.56/-**.

<b>S No.</b>	<b>Name of the Bank</b>	<b>Account No.</b>	<b>Frozen Amount Rs.</b>
1	AIRPAY	00207112100009 3	320.43
2	Airtel Payments Bank	9160416564	61.69
3	Airtel Payments Bank	9024670923	32.35
4	Airtel Payments Bank	7086358719	13.91
5	Airtel Payments Bank	7880382364	30.75
6	Airtel Payments Bank	6001250985	17.50

7	Airtel Payments Bank	9362160246	14.01
8	Airtel Payments Bank	8859390159	51.09
9	Airtel Payments Bank	9798282072	1.26
10	Airtel Payments Bank	6304845561	54.38
11	Airtel Payments Bank	8822344135	54.49
12	Airtel Payments Bank	6371511859	49.00
13	Airtel Payments Bank	6265799868	1,782.60
14	Airtel Payments Bank	6001250985	982.50
15	Airtel Payments Bank	6294210155	1,000.00
16	Airtel Payments Bank	6304845561	4,945.62
17	Airtel Payments Bank	7050116041	990.00
18	Airtel Payments Bank	7878308439	3,507.10
19	Airtel Payments Bank	9265348315	1,009.00
20	Airtel Payments Bank	8126110620	5,708.05
21	Airtel Payments Bank	9679927420	1,755.00
22	Airtel Payments Bank	9024670923	1,967.65
23	Airtel Payments Bank	8494072064	9,525.00
24	Appnit Technologies Pvt. Ltd (OxyMoney)	10000590180106	133.00
25	Appnit Technologies Pvt. Ltd (OxyMoney)	10000590180106	1,000.00
26	Appnit Technologies Pvt. Ltd (OxyMoney)	10000590180106	500.00
27	Appnit Technologies Pvt. Ltd (OxyMoney)	10000590180106	500.00
28	Appnit Technologies Pvt. Ltd (OxyMoney)	10000590180106	300.00
29	AU Bank	22112329391741 23	1.37
30	Axis Bank	92401005429348 7	28.49
31	Axis Bank	92301000700425	680.00

		7	
32	Bandhan Bank	50170000908757	6.92
33	Bandhan Bank	20200132260249	6.00
34	Bandhan Bank	50190036179606	1,200.00
35	Bandhan Bank	50200020843904	99.47
36	Bank of Baroda (Including Vijaya Bank and Dena Bank)	38468100031126	142.00
37	Bank of Baroda (Including Vijaya Bank and Dena Bank)	30390100001608	301.67
38	Bank of Baroda (Including Vijaya Bank and Dena Bank)	31768100007490	1,129.40
39	Bank of Baroda (Including Vijaya Bank and Dena Bank)	03450100024923	1,732.66
40	Bank of Baroda (Including Vijaya Bank and Dena Bank)	04780100050725	90.00
41	Bank of Baroda (Including Vijaya Bank and Dena Bank)	22880100007421	81.39
42	Bank of Baroda (Including Vijaya Bank and Dena Bank)	26050100034755	74.18
43	Bank of Baroda (Including Vijaya Bank and Dena Bank)	76950200000104	63.12
44	Bank of Baroda (Including Vijaya Bank and Dena Bank)	03210100045504	55.00
45	Bank of Baroda (Including Vijaya Bank and Dena Bank)	91640100018809	50.67

46	Bank of Baroda (Including Vijaya Bank and Dena Bank)	45970100016220	40.00
47	Bank of Baroda (Including Vijaya Bank and Dena Bank)	03450100047506	31.53
48	Bank of Baroda (Including Vijaya Bank and Dena Bank)	55090100014052	30.93
49	Bank of Baroda (Including Vijaya Bank and Dena Bank)	67850100036929	19.36
50	Bank of Baroda (Including Vijaya Bank and Dena Bank)	30920100008483	15.94
51	Bank of Baroda (Including Vijaya Bank and Dena Bank)	36420100011476	9.74
52	Bank of Baroda (Including Vijaya Bank and Dena Bank)	63400100005069	7.72
53	Bank of Baroda (Including Vijaya Bank and Dena Bank)	31478100009932	6.34
54	Bank of Baroda (Including Vijaya Bank and Dena Bank)	08930100055159	4.09
55	Bank of India	90161011001401 2	29.05
56	Bank of India	47861051000253 2	1.92
57	Bank of India	46751821000037 7	83.97
58	Bank of India	56381011001186 8	25.53
59	Bank of India	92461011000974	75.20

		6	
60	Bank of India	98031011002136 1	1.00
61	Bank of India	00811011000784 3	2.16
62	Bank of India	89211011001035 4	1.00
63	Bank of India	94841011000964 6	9.22
64	Bank of India	11001011003041 8	89.41
65	Bank of India	28161011000726 0	2,000.00
66	Bank of India	67411821000076 6	1,000.00
67	Bank of India	86711011001824 9	1,000.00
68	Bank of Maharashtra	60266348899	9.36
69	Central Bank of India	5566189814	10.87
70	Central Bank of India	2999459327	63.79
71	Central Bank of India	00000003784306 229	7.26
72	Central Bank of India	4056226480@CB IN0282933ifscnpc i	38.25
73	Central Bank of India	2380312400	1,000.00
74	Central Bank of India	2380312400	2,000.00
75	Central Bank of India	3205654257	907.08
76	City Union Bank	51212002005933 3	3,020.00
77	Federal Bank	99980107232287	1,000.00
78	Federal Bank	55550113869984	3.01
79	Fino Payments Bank	20328991846	48.26

80	Fino Payments Bank	20263329557	5.60
81	HDFC Bank	50100486216789	4.44
82	HDFC Bank	50100613387941	61.98
83	HDFC Bank	50100499609268	3.86
84	HDFC Bank	50100617536011	11.58
85	HDFC Bank	50100790071508	16.29
86	HDFC Bank	50100746042413	4.47
87	HDFC Bank	50100404177010	375.90
88	HDFC Bank	50100136716132	6,500.00
89	HDFC Bank	50200034994846	16,500.00
90	HDFC Bank	50100136716132	6,500.00
91	HDFC Bank	00691530016170	16,335.94
92	HDFC Bank	50200027864076	1,114.00
93	HDFC Bank	50200097123128	920.00
94	HDFC Bank	50200085126781	2,000.00
95	ICICI Bank	171805014490	1,000.00
96	IDBI Bank	22351020000001 16	50.65
97	IDFC First Bank	31101260003625	2,000.00
98	IDFC First Bank	31101260003625	10,824.37
99	IDFC First Bank	31101260003625	13,119.00
100	India Post Payments Bank	56210264707	4,288.00
101	India Post Payments Bank	57310178193	4,935.68
102	India Post Payments Bank	2810249413	4,000.00
103	India Post Payments Bank	57610183709	10,100.00
104	Indian Bank (including Allahabad Bank)	50453799322	1.17
105	Indian Bank (including Allahabad Bank)	6472788851	5.90
106	Indian Bank (including Allahabad Bank)	7930249200	6.60

107	Indian Bank (including Allahabad Bank)	7944158533	7.00
108	Indian Bank (including Allahabad Bank)	7740126792	9.10
109	Indian Bank (including Allahabad Bank)	7685699382	12.46
110	Indian Bank (including Allahabad Bank)	6649013861	12.91
111	Indian Bank (including Allahabad Bank)	7177824958	14.45
112	Indian Bank (including Allahabad Bank)	8203431008	21.81
113	Indian Bank (including Allahabad Bank)	50159171972	23.23
114	Indian Bank (including Allahabad Bank)	50244690695	50.29
115	Indian Bank (including Allahabad Bank)	50333783387	60.10
116	Indian Bank (including Allahabad Bank)	8160191015	69.80
117	Indian Bank (including Allahabad Bank)	7767739277	72.14
118	Indian Bank (including Allahabad Bank)	7381961196	75.35
119	Indian Bank (including Allahabad Bank)	22241556549	1,000.00
120	Indian Overseas Bank	070501000027064	1.53
121	Indian Overseas Bank	028401000034874	16.47
122	Indian Overseas Bank	113801000073044	1.00
123	Indian Overseas Bank	211001000019216	50.00

124	Indian Overseas Bank	04260100003320 7	7.26
125	Indian Overseas Bank	27060200000013 6	1,000.00
126	IndusInd Bank	158456039467	16.61
127	IndusInd Bank	188278639973	34.00
128	IndusInd Bank	258276915552	2,00,000.00
129	Jammu and Kashmir Bank	07480410000050 88	29.43
130	Jio Payments Bank Ltd	00207086100000 2	300.00
131	Jio Payments Bank Ltd	00207086100000 2	1,000.00
132	Jio Payments Bank Ltd	00207086100000 2	500.00
133	Jio Payments Bank Ltd	00207086100000 2	1,000.00
134	Karnataka Bank Ltd	00802025000004 01	520.00
135	Karur Vysya Bank	12581550000811 11	1,000.00
136	Kotak Mahindra Bank	4450608670	42.75
137	Kotak Mahindra Bank	9847410508	8.31
138	Kotak Mahindra Bank	2349539838	24.43
139	Kotak Mahindra Bank	6349004334	50.11
140	Kotak Mahindra Bank	2213641322	1.42
141	Kotak Mahindra Bank	3850448688	51.00
142	Kotak Mahindra Bank	8113624328	42.61
143	Kotak Mahindra Bank	9948423667	99.86
144	Kotak Mahindra Bank	6951381205	1.85
145	Kotak Mahindra Bank	7713322382	56.46
146	Kotak Mahindra Bank	5012556880	53.05

147	Kotak Mahindra Bank	9250250722	10.32
148	Kotak Mahindra Bank	130010109190	5,000.00
149	Kotak Mahindra Bank	5213455777	879.08
150	Kotak Mahindra Bank	1345238646	4,400.00
151	Kotak Mahindra Bank	5750668272	230.99
152	Punjab & Sind Bank	13291000003689	315.07
153	Punjab & Sind Bank	10881000002745	18.94
154	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	12160015006387 77	60.18
155	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	15821001000120 43	12.95
156	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	15780015000123 29	54.12
157	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	60310017002433 73	21.41
158	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	11370001002272 71	6.70
159	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	16440017002385 27	227.93
160	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	07070015000103 88	7,361.12

161	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	07070015000103 88	1,000.00
162	State Bank of India	37081908366	1.00
163	State Bank of India	32551426002	1.11
164	State Bank of India	38212463593	1.35
165	State Bank of India	43466600974	1.46
166	State Bank of India	43111353611	1.50
167	State Bank of India	43240372500	4.25
168	State Bank of India	39091018048	5.15
169	State Bank of India	38973512295	5.20
170	State Bank of India	38025730288	5.63
171	State Bank of India	44077810736	6.07
172	State Bank of India	33043694426	7.10
173	State Bank of India	36841004489	9.29
174	State Bank of India	36528175318	9.45
175	State Bank of India	34407071138	9.63
176	State Bank of India	30790485820	11.43
177	State Bank of India	33905996292	11.84
178	State Bank of India	44463876472	12.51
179	State Bank of India	38070941965	13.87
180	State Bank of India	37765537633	14.38
181	State Bank of India	61180820895	25.36
182	State Bank of India	33865617719	25.59
183	State Bank of India	34217478901	29.50
184	State Bank of India	42270727647	32.20
185	State Bank of India	43499524266	35.71
186	State Bank of India	36316752720	35.82
187	State Bank of India	39900949809	44.48
188	State Bank of India	39589138167	49.33

189	State Bank of India	37553743352	51.52
190	State Bank of India	32424136852	54.84
191	State Bank of India	41318639918	58.50
192	State Bank of India	41635351623	60.06
193	State Bank of India	41651718265	83.49
194	State Bank of India	33967541561	91.25
195	State Bank of India	20367910887	225.13
196	State Bank of India	34743728045	514.19
197	State Bank of India	40390021527	526.90
198	State Bank of India	41487748354	700.00
199	State Bank of India	42087196715	1,591.92
200	State Bank of India	40533159400	9,233.14
201	THE AHMEDABAD DISTRICT CO-OPERATIVE BANK LTD.	107001632780	130.00
202	The Banaskantha District Central Co-operative Bank Ltd.	00000118011444364	22.69
203	TRI O TECH SOLUTIONS PRIVATE LIMITED	FPPIdce11dc9124d	30.00
204	UCO Bank	10890110113462	3.76
205	UCO Bank	18173211011545	46.54
206	UCO Bank	33150110048542	49.71
207	UCO Bank	12883211159353	55.06
208	UCO Bank	31483211044314	1,000.00
209	UCO Bank	13593295578886	2,000.00
210	Union Bank of India( including Andhra Bank and Corporation Bank)	695002010012217	2.08

211	Union Bank of India( including Andhra Bank and Corporation Bank)	430402010828429	6.58
212	Union Bank of India( including Andhra Bank and Corporation Bank)	230610100033768	7.10
213	Union Bank of India( including Andhra Bank and Corporation Bank)	520481028517915	13.22
214	Union Bank of India( including Andhra Bank and Corporation Bank)	520101251851032	32.55
215	Union Bank of India( including Andhra Bank and Corporation Bank)	520291014373871	38.32
216	Union Bank of India( including Andhra Bank and Corporation Bank)	718802050002534	38.78
217	Union Bank of India( including Andhra Bank and Corporation Bank)	468502010001763	42.74
218	Union Bank of India( including Andhra Bank and Corporation Bank)	163710100038310	53.53
219	Union Bank of India( including Andhra Bank and Corporation Bank)	385302010543990	204.44
220	Union Bank of	55240201001049	1,885.68

	India( including Andhra Bank and Corporation Bank)	2	
221	Union Bank of India( including Andhra Bank and Corporation Bank)	75090201000092 7	25,070.47
222	Yes Bank	00939190000471 1	9.35
223	Yes Bank	02265070000853 1	2.00
224	Yes Bank	08445310000215 2	1,990.07
TOTAL AMOUNT FROZEN Rs.			<b>4,28,597.56/-</b>

Therefore, he claimed **Rs.4,28,597.56/-** 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 punchnama 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.4,28,597.56/-** seized by the Cyber Crime Cell in connection with acknowledgement/ticket/inverd **No. 31101260003625** and the following Bank's are frozen the amount shown in the statement below, **ordered released**

to the applicant, **HARIDKBHAI KETANKUMAR THACKER** as **interim custody** pending final disposal of this case.

<b>S No.</b>	<b>Name of the Bank</b>	<b>Account No.</b>	<b>Frozen Amount Rs.</b>
1	AIRPAY	00207112100009 3	320.43
2	Airtel Payments Bank	9160416564	61.69
3	Airtel Payments Bank	9024670923	32.35
4	Airtel Payments Bank	7086358719	13.91
5	Airtel Payments Bank	7880382364	30.75
6	Airtel Payments Bank	6001250985	17.50
7	Airtel Payments Bank	9362160246	14.01
8	Airtel Payments Bank	8859390159	51.09
9	Airtel Payments Bank	9798282072	1.26
10	Airtel Payments Bank	6304845561	54.38
11	Airtel Payments Bank	8822344135	54.49
12	Airtel Payments Bank	6371511859	49.00
13	Airtel Payments Bank	6265799868	1,782.60
14	Airtel Payments Bank	6001250985	982.50
15	Airtel Payments Bank	6294210155	1,000.00
16	Airtel Payments Bank	6304845561	4,945.62
17	Airtel Payments Bank	7050116041	990.00
18	Airtel Payments Bank	7878308439	3,507.10
19	Airtel Payments Bank	9265348315	1,009.00
20	Airtel Payments Bank	8126110620	5,708.05
21	Airtel Payments Bank	9679927420	1,755.00
22	Airtel Payments Bank	9024670923	1,967.65
23	Airtel Payments Bank	8494072064	9,525.00
24	Appnit Technologies Pvt.	10000590180106	133.00

	Ltd (OxyMoney)		
25	Appnit Technologies Pvt. Ltd (OxyMoney)	10000590180106	1,000.00
26	Appnit Technologies Pvt. Ltd (OxyMoney)	10000590180106	500.00
27	Appnit Technologies Pvt. Ltd (OxyMoney)	10000590180106	500.00
28	Appnit Technologies Pvt. Ltd (OxyMoney)	10000590180106	300.00
29	AU Bank	22112329391741 23	1.37
30	Axis Bank	92401005429348 7	28.49
31	Axis Bank	92301000700425 7	680.00
32	Bandhan Bank	50170000908757	6.92
33	Bandhan Bank	20200132260249	6.00
34	Bandhan Bank	50190036179606	1,200.00
35	Bandhan Bank	50200020843904	99.47
36	Bank of Baroda (Including Vijaya Bank and Dena Bank)	38468100031126	142.00
37	Bank of Baroda (Including Vijaya Bank and Dena Bank)	30390100001608	301.67
38	Bank of Baroda (Including Vijaya Bank and Dena Bank)	31768100007490	1,129.40
39	Bank of Baroda (Including Vijaya Bank and Dena Bank)	03450100024923	1,732.66
40	Bank of Baroda (Including Vijaya Bank and Dena Bank)	04780100050725	90.00

41	Bank of Baroda (Including Vijaya Bank and Dena Bank)	22880100007421	81.39
42	Bank of Baroda (Including Vijaya Bank and Dena Bank)	26050100034755	74.18
43	Bank of Baroda (Including Vijaya Bank and Dena Bank)	76950200000104	63.12
44	Bank of Baroda (Including Vijaya Bank and Dena Bank)	03210100045504	55.00
45	Bank of Baroda (Including Vijaya Bank and Dena Bank)	91640100018809	50.67
46	Bank of Baroda (Including Vijaya Bank and Dena Bank)	45970100016220	40.00
47	Bank of Baroda (Including Vijaya Bank and Dena Bank)	03450100047506	31.53
48	Bank of Baroda (Including Vijaya Bank and Dena Bank)	55090100014052	30.93
49	Bank of Baroda (Including Vijaya Bank and Dena Bank)	67850100036929	19.36
50	Bank of Baroda (Including Vijaya Bank and Dena Bank)	30920100008483	15.94
51	Bank of Baroda (Including Vijaya Bank and Dena Bank)	36420100011476	9.74
52	Bank of Baroda (Including Vijaya Bank and Dena Bank)	63400100005069	7.72

53	Bank of Baroda (Including Vijaya Bank and Dena Bank)	31478100009932	6.34
54	Bank of Baroda (Including Vijaya Bank and Dena Bank)	08930100055159	4.09
55	Bank of India	90161011001401 2	29.05
56	Bank of India	47861051000253 2	1.92
57	Bank of India	46751821000037 7	83.97
58	Bank of India	56381011001186 8	25.53
59	Bank of India	92461011000974 6	75.20
60	Bank of India	98031011002136 1	1.00
61	Bank of India	00811011000784 3	2.16
62	Bank of India	89211011001035 4	1.00
63	Bank of India	94841011000964 6	9.22
64	Bank of India	11001011003041 8	89.41
65	Bank of India	28161011000726 0	2,000.00
66	Bank of India	67411821000076 6	1,000.00
67	Bank of India	86711011001824 9	1,000.00
68	Bank of Maharashtra	60266348899	9.36
69	Central Bank of India	5566189814	10.87

70	Central Bank of India	2999459327	63.79
71	Central Bank of India	00000003784306 229	7.26
72	Central Bank of India	4056226480@CB IN0282933ifscnpc i	38.25
73	Central Bank of India	2380312400	1,000.00
74	Central Bank of India	2380312400	2,000.00
75	Central Bank of India	3205654257	907.08
76	City Union Bank	51212002005933 3	3,020.00
77	Federal Bank	99980107232287	1,000.00
78	Federal Bank	55550113869984	3.01
79	Fino Payments Bank	20328991846	48.26
80	Fino Payments Bank	20263329557	5.60
81	HDFC Bank	50100486216789	4.44
82	HDFC Bank	50100613387941	61.98
83	HDFC Bank	50100499609268	3.86
84	HDFC Bank	50100617536011	11.58
85	HDFC Bank	50100790071508	16.29
86	HDFC Bank	50100746042413	4.47
87	HDFC Bank	50100404177010	375.90
88	HDFC Bank	50100136716132	6,500.00
89	HDFC Bank	50200034994846	16,500.00
90	HDFC Bank	50100136716132	6,500.00
91	HDFC Bank	00691530016170	16,335.94
92	HDFC Bank	50200027864076	1,114.00
93	HDFC Bank	50200097123128	920.00
94	HDFC Bank	50200085126781	2,000.00
95	ICICI Bank	171805014490	1,000.00
96	IDBI Bank	22351020000001	50.65

		16	
97	IDFC First Bank	31101260003625	2,000.00
98	IDFC First Bank	31101260003625	10,824.37
99	IDFC First Bank	31101260003625	13,119.00
100	India Post Payments Bank	56210264707	4,288.00
101	India Post Payments Bank	57310178193	4,935.68
102	India Post Payments Bank	2810249413	4,000.00
103	India Post Payments Bank	57610183709	10,100.00
104	Indian Bank (including Allahabad Bank)	50453799322	1.17
105	Indian Bank (including Allahabad Bank)	6472788851	5.90
106	Indian Bank (including Allahabad Bank)	7930249200	6.60
107	Indian Bank (including Allahabad Bank)	7944158533	7.00
108	Indian Bank (including Allahabad Bank)	7740126792	9.10
109	Indian Bank (including Allahabad Bank)	7685699382	12.46
110	Indian Bank (including Allahabad Bank)	6649013861	12.91
111	Indian Bank (including Allahabad Bank)	7177824958	14.45
112	Indian Bank (including Allahabad Bank)	8203431008	21.81
113	Indian Bank (including Allahabad Bank)	50159171972	23.23
114	Indian Bank (including Allahabad Bank)	50244690695	50.29
115	Indian Bank (including Allahabad Bank)	50333783387	60.10
116	Indian Bank (including Allahabad Bank)	8160191015	69.80

	Allahabad Bank)		
117	Indian Bank (including Allahabad Bank)	7767739277	72.14
118	Indian Bank (including Allahabad Bank)	7381961196	75.35
119	Indian Bank (including Allahabad Bank)	22241556549	1,000.00
120	Indian Overseas Bank	070501000027064	1.53
121	Indian Overseas Bank	028401000034874	16.47
122	Indian Overseas Bank	113801000073044	1.00
123	Indian Overseas Bank	211001000019216	50.00
124	Indian Overseas Bank	042601000033207	7.26
125	Indian Overseas Bank	270602000000136	1,000.00
126	IndusInd Bank	158456039467	16.61
127	IndusInd Bank	188278639973	34.00
128	IndusInd Bank	258276915552	2,00,000.00
129	Jammu and Kashmir Bank	0748041000005088	29.43
130	Jio Payments Bank Ltd	002070861000002	300.00
131	Jio Payments Bank Ltd	002070861000002	1,000.00
132	Jio Payments Bank Ltd	002070861000002	500.00
133	Jio Payments Bank Ltd	002070861000002	1,000.00
134	Karnataka Bank Ltd	0080202500000401	520.00

135	Karur Vysya Bank	12581550000811 11	1,000.00
136	Kotak Mahindra Bank	4450608670	42.75
137	Kotak Mahindra Bank	9847410508	8.31
138	Kotak Mahindra Bank	2349539838	24.43
139	Kotak Mahindra Bank	6349004334	50.11
140	Kotak Mahindra Bank	2213641322	1.42
141	Kotak Mahindra Bank	3850448688	51.00
142	Kotak Mahindra Bank	8113624328	42.61
143	Kotak Mahindra Bank	9948423667	99.86
144	Kotak Mahindra Bank	6951381205	1.85
145	Kotak Mahindra Bank	7713322382	56.46
146	Kotak Mahindra Bank	5012556880	53.05
147	Kotak Mahindra Bank	9250250722	10.32
148	Kotak Mahindra Bank	130010109190	5,000.00
149	Kotak Mahindra Bank	5213455777	879.08
150	Kotak Mahindra Bank	1345238646	4,400.00
151	Kotak Mahindra Bank	5750668272	230.99
152	Punjab & Sind Bank	13291000003689	315.07
153	Punjab & Sind Bank	10881000002745	18.94
154	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	12160015006387 77	60.18
155	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	15821001000120 43	12.95
156	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	15780015000123 29	54.12

157	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	60310017002433 73	21.41
158	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	11370001002272 71	6.70
159	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	16440017002385 27	227.93
160	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	07070015000103 88	7,361.12
161	Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)	07070015000103 88	1,000.00
162	State Bank of India	37081908366	1.00
163	State Bank of India	32551426002	1.11
164	State Bank of India	38212463593	1.35
165	State Bank of India	43466600974	1.46
166	State Bank of India	43111353611	1.50
167	State Bank of India	43240372500	4.25
168	State Bank of India	39091018048	5.15
169	State Bank of India	38973512295	5.20
170	State Bank of India	38025730288	5.63
171	State Bank of India	44077810736	6.07
172	State Bank of India	33043694426	7.10
173	State Bank of India	36841004489	9.29
174	State Bank of India	36528175318	9.45
175	State Bank of India	34407071138	9.63

176	State Bank of India	30790485820	11.43
177	State Bank of India	33905996292	11.84
178	State Bank of India	44463876472	12.51
179	State Bank of India	38070941965	13.87
180	State Bank of India	37765537633	14.38
181	State Bank of India	61180820895	25.36
182	State Bank of India	33865617719	25.59
183	State Bank of India	34217478901	29.50
184	State Bank of India	42270727647	32.20
185	State Bank of India	43499524266	35.71
186	State Bank of India	36316752720	35.82
187	State Bank of India	39900949809	44.48
188	State Bank of India	39589138167	49.33
189	State Bank of India	37553743352	51.52
190	State Bank of India	32424136852	54.84
191	State Bank of India	41318639918	58.50
192	State Bank of India	41635351623	60.06
193	State Bank of India	41651718265	83.49
194	State Bank of India	33967541561	91.25
195	State Bank of India	20367910887	225.13
196	State Bank of India	34743728045	514.19
197	State Bank of India	40390021527	526.90
198	State Bank of India	41487748354	700.00
199	State Bank of India	42087196715	1,591.92
200	State Bank of India	40533159400	9,233.14
201	THE AHMEDABAD DISTRICT CO- OPERATIVE BANK LTD.	107001632780	130.00
202	The Banaskantha District Central Co-operative	00000118011444 364	22.69

	Bank Ltd.		
203	TRI O TECH SOLUTIONS PRIVATE LIMITED	FPPIdce11dc9124d	30.00
204	UCO Bank	10890110113462	3.76
205	UCO Bank	18173211011545	46.54
206	UCO Bank	33150110048542	49.71
207	UCO Bank	12883211159353	55.06
208	UCO Bank	31483211044314	1,000.00
209	UCO Bank	13593295578886	2,000.00
210	Union Bank of India( including Andhra Bank and Corporation Bank)	695002010012217	2.08
211	Union Bank of India( including Andhra Bank and Corporation Bank)	430402010828429	6.58
212	Union Bank of India( including Andhra Bank and Corporation Bank)	230610100033768	7.10
213	Union Bank of India( including Andhra Bank and Corporation Bank)	520481028517915	13.22
214	Union Bank of India( including Andhra Bank and Corporation Bank)	520101251851032	32.55
215	Union Bank of India( including Andhra Bank and Corporation Bank)	520291014373871	38.32
216	Union Bank of	71880205000253	38.78

	India( including Andhra Bank and Corporation Bank)	4	
217	Union Bank of India( including Andhra Bank and Corporation Bank)	468502010001763	42.74
218	Union Bank of India( including Andhra Bank and Corporation Bank)	163710100038310	53.53
219	Union Bank of India( including Andhra Bank and Corporation Bank)	385302010543990	204.44
220	Union Bank of India( including Andhra Bank and Corporation Bank)	552402010010492	1,885.68
221	Union Bank of India( including Andhra Bank and Corporation Bank)	750902010000927	25,070.47
222	Yes Bank	009391900004711	9.35
223	Yes Bank	022650700008531	2.00
224	Yes Bank	084453100002152	1,990.07
TOTAL AMOUNT FROZEN Rs.			<b>4,28,597.56/-</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.4,28,597.56/-** to the applicant's **The Cosmos Co-operative Bank Ltd.** account **No.05305025189, IFSC Code COSB0000053** within **10 days** of receiving the order.

1. Upon receiving the order form 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, March 17, 2026, at Bhuj.

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