Criminal Misc. Application No.414/2026

ORDER BELOW EXH. 1

[1] The present application is filed by the applicant u/s.503 of B.N.S.S. The brief facts of the present application is such that, the present applicant, namely, **Manjibhai Khimjibhai Thoriya** is a victim of cyber crime fraud. It is the say of the applicant that he lost a total amount of **₹9000/-** due to a cyber crime committed against him, from Bank Account No. **60166422813** with **Bank of Maharashtra**.

[2] It is the say of the applicant that, the said fraud was reported to the Cyber Crime Information Report System on its Toll Free No.1930 and persuant to the complaint, the account of the suspect with **IDFC Bank** having Account No. **10052388611** was frozen and an amount of **Rs. 9000/-** was freezed by the Cyber Crime Police Authority u/s.106 of B.N.S.S.

[3] It is the prayer of the applicant that, the alleged fraudster has duped his and therefore, the amount from the account of the suspect shall be defreezed and shall be transferred to his account.

[4] The applicant has in support of his application produced his Aadhar Card copy, Applicant's Bank Statement, Online Cyber Crime Complaint copy, Bank Statement of Suspect, Report of the Investigation Officer.

[5] I have heard the Learned Advocate of the applicant. Further, the documents produced by the applicant have been perused. The report of the Investigating Officer has been perused and it states that, subsequent to the present offence, they have freezed the account of the suspect and notice has also been issued to the suspect. The report of the I. O. states to return the money from the account of the suspect to the account of the applicant.

[6] From the facts of the application, documents produced and the report of the I. O., it indicates that, the present applicant is a victim of cyber crime and the money trail which lead to suspicion has finally resulted in freezing the account of the suspect. The applicant has sought the reversal of his lost money which is at present in the account of the suspect. Considering the judgement of the Hon'ble Supreme Court of India in the case of ***Sunderlal Ambalal Desai Vs. State of Gujarat***, the owner shall not suffer because of the muddamal remaining unused. The amount which is freezed, is of daily necessity to the applicant. There are no claimant who have approached the present court to claim or unfreeze the account, therefore, considering the overall facts and circumstances of the case, it seems in the interest of justice that, the present application shall be allowed and therefore, I pass the final order below.

-: **ORDER** :-

1). The present application is allowed. The office is hereby directed to issue intimation to the **IDFC Bank,** to defreeze

2nd Additional Senior Civil Judge & Chief
Judicial Magistrate, Morbi

the amount of **Rs. 9000/-** from the Account No. **10052388611 of Mr. Ravish Kumar Devendra** and to transfer the said amount to the account of **Manjibhai Khimjibhai Thoriya** in his **Bank of Maharashtra** Account No. **60166422813.**

2). The applicant is hereby directed to execute indemnity bond of **Rs. 9000/-** before the court with the condition for indemnifying the said amount against any third party claim, if any, in future and shall deposit the said amount as and when directed by the court.

Pronounced and declared today in the Special Sitting held on National Lok Adalat on the 11th day of July, 2026 at Morbi.

Date : 11/07/2026 Mr. V. R. Chaudhari

Place : M o r b i 2nd Additional Senior Civil Judge &
Additional Chief Judicial Magistrate
M o r b i
(U. I. C. No. GJ00815)

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