

**ORDER BELOW APPLICATION OF THE APPLICANT
U/S.503 OF THE B.N.S.S.:**

1. Perused the application of the applicant. Heard the learned advocate for the applicant as well as the learned APP. Perused the documents submitted. Perused the opinion of the I.O. and documents submitted.
2. The applicant has submitted that, he is presently residing at the address referred in the present application and the offence of cyber crime was committed with him. In the said offence, **Rs. 5000/-** was withdrawn from **Baroda Gujarat Gramin Bank** having **Account No. 717610002096** and therefore the applicant called on Cyber Crime Helpline No.1930 and lodged the complaint on **27.04.2025** with Ticket No. **31104250084165**. So the Cyber Crime Police froze the amount of **Rs. 5000/-** which was deposited in the **Canara Bank** bank account no. **1138101067077** of the opponent as per section 106 of the BNSS 2023, which is still lying in the said bank as it is and has not been returned back to the applicant. The applicant has further submitted that, no FIR has been lodged in this regard. The applicant has suffered a huge financial loss and he requires the said money for his survival and therefore the application has been preferred U/s. 503 of the BNSS to return back the said money to the applicant's bank account.

3. In respect of the application of the applicant, the order was passed directing the Police Inspector Cyber Crime Police Station Patan to submit his opinion along with the relevant papers.
4. In view of the same, the I.O i.e. **Police Inspector, Chanasma Police Station** has submitted his opinion on **17.03.2026**. Considering the opinion of the I.O. and the related documents, he/she has stated that, when the money of the cyber crime victims is transferred online, Ashwast Project has been launched by the Gujarat Government for the common citizens to immediately stop such money and prevent the crime. Under this project, the Cyber Crime Incident Response Unit is working to stop the money of victims of cyber crime immediately when it is transferred online. When the victims of cyber crime directly register their complaint on Cyber Crime Helpline No.1930, a ticket number is given by the Cyber Crime Incident Response Unit to such victims and, at the same time, notice U/s. 94 & 106 is also issued by their office to the concerned banks to freeze the suspicious bank account in which the money of the cyber crime victims has been transferred and also to provide the information if the money has been transferred elsewhere and thus suspiciously received money are freezed by the banks based on the such notice.

5. The P.I., **Chanasma Police Station** further stated that, the offence of cyber crime was committed with the present applicant, wherein **Rs. 5000/-** had been withdrawn from the bank of the applicant **Baroda Gujarat Gramin Bank** having **Account No. 717610002096** for which the applicant has filed complaint on Cyber Crime Helpline No.1930 on Ashwast Project dated **27.04.2025** with Ticket No. **31104250084165**. In view of the same, the money transferred in the bank account of the opponent **Canara Bank** bank account no. **1138101067077** with **Rs. 5000/-** had been freezed as per section 106 of the BNSS. The applicant has filed the present application in your honour's court to refund back the said money for which the opinion of the I.O. has been sought. In view of the same, the I.O. has stated that, the money of the applicant which has been transferred in the bank account of the opponent has been freezed and it was found that the said bank account was fake and after seizing the said bank account, neither the account holder nor any other person have raised any objection for seizing the account and hence the IO opined in positive to refund back the said money to the applicant.
6. Considering the copies of bank papers submitted along with this application as well as opinion of the I.O. and relevant papers it is clear that, **Rs. 5000/-** has been withdrawn from the present applicant's bank **Baroda Gujarat Gramin Bank** having **Account No. 717610002096** for which the applicant

lodged complaint on Cyber Crime Helpline No.1930 on Ashwast Project dated **27.04.2025** with Ticket No. **31104250084165**. Thus, looking to the said facts it is clear that the money of the applicant has been withdrawn from above stated bank account and was transferred to the suspicious bank account. Further considering the facts on record, no FIR appears to have been lodged or anyone has been arrested in view of the present case till date. Moreover, no one, except the present applicant, has filed any application before this court till date seeking the said money even though so much time has passed since the incident. Furthermore, considering the opinion of the I.O. it appears that, no one has filed any application before him/her also seeking the said money and it has been stated by the IO that the said bank account is fake and after freezing the said account neither the account holder nor any one else has raised any objection before the police. So the IO has opined in positive to refund back the said money to the applicant. Hence this court is of the considered view that the applicant is entitled to refund back the said money.

7. At this stage, the jurisdiction of this court in respect of refund of money is provided U/s.503 of the BNSS as under:

503. Procedure by police upon seizure of property.

(1) Whenever the seizure of property by any police officer is reported to a Magistrate under the provisions of this Code,

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.

Thus as provided in section 503 of the BNSS, when seizure of property by any police personnel is reported to a Magistrate and such property has not been produced before the Court during the investigation, the Magistrate is empowered to pass such order as he/she thinks fit regarding the disposal or possession of such property.

8. Thus, as discussed above, considering all the facts and circumstances of the case and the documents submitted, the said money being deposited in the bank, so the question of the rate and serial number of the said money does not arise. Even in future, no dispute or question regarding the identity

of the muddamal is likely to arise. Moreover, considering the principles laid down by the Hon'ble Apex Court in the decision of Sundarbhai Ambalal Desai V/s. State of Gujarat, 2003(1) G.L.H. Page No.307 and for aforesaid reasons stated above, the following order is passed in the interest of justice.

-: ORDER :-

1. The present application U/s. 503 of the B.N.S.S. is hereby allowed.
2. It is hereby directed to refund back the amount of **Rs. 5000/-** as interim custody to the applicant, which has been freezed in the connection with the said offence, on furnishing a personal bond as well as surety of one & half amount of the total freezed amount till final disposal of the present case before the concerned police station with following conditions.
3. It is further directed that, on furnishing a personal bond as well as surety by the applicant before the police station, the concenred police officer shall intimate about the same as well as the said order to the opponent/bank and it is also directed to the opponent/bank that within 10 days on being intimated by the police officer about furnishing a personal bond as well as surety by the applicant, they shall transfer the amount of **Rs. 5000/-** in the applicant's **Baroda Gujarat Gramin Bank** having **Account No. 717610002096** which is presently lying in the opponent **Canara Bank** bank account no.

1138101067077 and intimate about the same to this court and concerned police station.

CONDITIONS:

- (1) The applicant shall produced the said money before this court whenever directed by this court.
- (2) If the above stated account holder or any other person proves his/her claim/right over the said money, the applicant shall have to return back the same.
- (3) The applicant shall not use the said muddamal cash amount in any type of offence.
- (4) Any breach of the above conditions shall lead to cancellation of the present application and the muddamal cash amount shall be liable to be confiscated again and the amount of personal bond and the surety shall also be liable to be recovered.

Pronounced and signed in the open court today.

Date : 25.03.2026
Place : Patan

(Naushad Valibahadur Pathan)
Chief Judicial Magistrate, Patan
JO Code: GJ01413