IN THE COURT OF SUB-JUDGE, SRINAGAR

File No.	Date of institution:	Date of Order:
11358/2026	**06.05.2026**	**31.07.2026**

CNR No. JKSG030113592026

IN THE CASE OF:

Shamash-Din
S/o Feroz-Din
R/o Vijayyur District Samba, Jammu
A/p Ganie Mohalla, Budgam.

....Applicant

Through: *Advocate Omera Farooq.*

Versus

U.T of J&K through, Cyber CICE Crime Branch, Srinagar.

Through: *Assistant Public Prosecutor*

IN THE MATTER OF: Application on behalf of the applicant for execution of order dated 24.12.2025 passed by this Court in the above titled matter for release of an amount of Rs. 28,15,727/-.

CORAM: Junaid Imtiaz Mir
J.O Code: JK00219

ORDER

1. The present application has been filed by the applicant seeking execution and compliance of the order dated 24.12.2025 whereby this Court had directed release of the amount fraudulently siphoned from the account of the applicant and lying under lien/freeze in various bank accounts pursuant to the investigation conducted by the Cyber Crime Investigation Centre (CICE), Crime Branch, Srinagar.

2. It is submitted that despite the lapse of considerable time after passing of the aforesaid order, the directions issued by this Court were not fully complied with, compelling the applicant to approach this Court by way of the present application.

3. It is pertinent to note that, on account of non-compliance of the order dated 24.12.2025, this Court vide order dated 06.05.2026 directed the SHO, Police Station CICE Crime Branch, Srinagar, to remain personally present and explain the reasons for failure to comply with the judicial directions issued by this Court.

4. Pursuant thereto, a detailed compliance report has been submitted by the concerned Police Station. The report reveals that after the order dated 24.12.2025 was passed, the same was forwarded to the concerned Nodal Officers and Branch Managers of different banks for implementation. However, certain banks expressed their inability to execute the order on the ground that they could not locate the money trail pertaining to their respective branches from the data then available on the National Cyber Crime Reporting Portal (NCRP). It is further stated that only an amount of Rs.40,000/- could initially be released in favour of the applicant.

5. The report further discloses that upon fresh analysis of the complaint on the NCRP portal, an altogether different and updated money trail became available, replacing the earlier data sheet. The Investigating Agency has attributed this discrepancy to an apparent technical glitch or system error on the NCRP portal and has already sought clarification from the Chief

Executive Officer, Indian Cyber Crime Coordination Centre (I4C), Ministry of Home Affairs, Government of India.

6. More importantly, the Investigating Officer has specifically reported that, on the basis of the updated NCRP data, an amount of Rs.7,61,272/- is presently lying under lien/freeze and has categorically stated that the said amount belongs to the applicant and is liable to be reversed in his favour, subject to appropriate orders of this Court.

7. Heard learned counsel for the applicant, learned Assistant Public Prosecutor, perused the application, the previous orders passed by this Court and the compliance report submitted by the Investigating Officer.

8. From the material placed on record, it is evident that the applicant is the victim of an online cyber fraud and that this Court had already adjudicated the entitlement of the applicant while passing the order dated 24.12.2025 directing release of the amount identified as belonging to him. The subsequent report submitted by the Investigating Agency does not dispute the applicant's entitlement. Rather, it affirms that, upon fresh verification of the NCRP portal, a sum of Rs.7,61,272/- presently remains under lien and is traceable to the fraudulent transaction suffered by the applicant.

9. The explanation furnished by the Investigating Agency regarding the earlier inability to execute the order appears to have arisen from the subsequent updation of the NCRP data and the changed money trail reflected on the portal. In view of the latest verified report submitted before this Court, no useful purpose would be served in withholding the aforesaid amount, particularly when the Investigating Officer himself has acknowledged that the said amount belongs to the applicant.

10. The object of freezing the amount in cases of cyber fraud is to preserve the proceeds of crime and facilitate restitution to the rightful victim. Once the investigation identifies the amount as belonging to the victim and there exists no rival claim over the same, continued retention of the amount would defeat the very purpose of such protective measures and unnecessarily prolong the hardship suffered by the victim.

11. Accordingly, the present application deserves to be allowed. However, the release of the aforesaid amount shall be subject to the applicant furnishing an indemnity bond to the satisfaction of the Nazir of this Court, undertaking that in the event any person is subsequently found by a competent Court to have a better title over the amount or if so directed by any competent Court, the applicant shall refund and restore the amount as may be directed.

12. Consequently, the SHO, Police Station CICE, Crime Branch, Srinagar, is directed release an amount of Rs.7,61,272/- (Rupees Seven Lakhs Sixty-One Thousand Two Hundred Seventy-Two only) in favour of the applicant bearing earlier Account No. 0032040100015737, maintained with J&K Bank, Vijaypur Branch, Samba, Jammu (IFSC: JAKA0VIJJAY).

13. Disposed off on above terms.

Announced:
03.07.2026

JUNAID IMTIAZ MIR
Digitally signed by JUNAID IMTIAZ MIR

Junaid Imtiyaz Mir
Sub-Judge (Sr. Division)/JMIC,
Srinagar.