

KAMS010086952025



**IN THE COURT OF THE III ADDL.DISTRICT AND  
SESSIONS JUDGE: MYSURU.**

**PRESENT**

Sri. **Gururaj Somakkalavar**, M.A.,LL.B.,  
III Addl.District & Sessions Judge, Mysuru.

**CRL.R.P./206/2025**

**Dated this the 09<sup>th</sup> day of March, 2026**

**Revision  
Petitioner:**

Smt.Yashodha.G,  
C/o Prasad.P.T,  
Aged about 40 years,  
R/at No.416, 3<sup>rd</sup> Cross,  
6<sup>th</sup> Main, Lokanayaka Nagar,  
Mysuru – 570 016.

**[By Sri.Muthuraj.N.J, Adv.,]**

V/s

**Respondent**

State by Metagalli Police  
Station.

**[By Public Prosecutor]**

**ORDER ON REVISION PETITION FILED U/SEC.397 OF  
Cr.P.C**

The revision petitioner/applicant in CR.No.54/2024  
has filed this Revision petition challenging the order dated

18.07.2024 passed by the VII Addl. Civil Judge & JMFC, Mysuru.

2. The rank of the parties is being stated as per the complaint before the Trial Court.

3. The Revision petitioner has urged the following grounds for revision in support of her petition that,

The order passed by the learned Magistrate in Cr.No.54/2024 dated 18.07.2024 is not sustainable in law and facts of the case.

The learned Magistrate further erred in rejecting the application of the Petitioner by giving un-imaginary grounds at the time of passing the order.

The petitioner is the applicant in the above case.

Inspite of submission of Bank Statement regarding funds transferred from the account of petitioner the trial court has rejected the application.

This Court has ample powers to order for the interim custody of the said items of properties in favour of the Applicant/Petitioner.

The revision Petitioner is ready to abide by the conditions that may be imposed by the Court

and he is ready to execute Indemnity Bond to the satisfaction of the learned Magistrate. He further undertakes to produce the properties before the learned Magistrate or police whenever he is so directed.

The order of the learned Magistrate is against to the Principles of Natural Justice. Hence the order passed by the learned Magistrate is liable to be set aside from the hands of this Court.

Hence, Revision petitioner/applicant prays to allow this revision petition.

4. The Respondent appeared through learned P.P.

5. In view of the rival contentions raised by the parties, the points that arise for my consideration is:

1. Whether the petitioner/applicant has made out grounds to allow the petition?

2. What Order?

6. My findings to the aforesaid points is:

Point No.1: In the **Affirmative**

Point No.2: As per the final order for the following:

## **REASONS**

### **Point No.1:-**

7. The revision petitioner herein has questioned the order dated 18.07.2024 in Cr.No.54/2024 on the file of VII Addl. Civil Judge & JMFC, Mysuru. Where, the court has dismissed the application filed by the applicant/revision petitioner under Section 457 of Cr.P.C. Aggrieved by the said order the present revision petition is preferred.

8. Before adverting into the merits of the present petition it is necessary to look into the facts and circumstances of this case. The revision petitioner/applicant/informant has filed first information alleging that, she was working in private company. She used to invest amount in the investments. In the mean time, she received advertisement on face book social media with regard to stock market trading. A link was received on 19.01.2024. She joined the said group. The said group link was received by her with phone No.8864971812. She used to receive information regarding stocks every day and the profit is also discussed in the said group.

9. After that, from 29.02.2024 she started to invest amount. On 04.02.2024 she received information from the member of the group by name Meera that, they will open

institutional account. To download the application, link was sent. She downloaded the link and signed the same. From 29.02.2024 to 28.03.2024 she has invested Rs.4,49,000/. The said SS Equitrade application also shown the profit. In between she has not tried to withdraw the money. On 29.03.2024 the profit was reflecting to the tune of Rs.5,40,000/-. At that time she tried to withdraw the amount. But, she could not withdraw the same. When she asked the member Meera over the whats app message, at that time she told that, the informant has to deposit Rs.9,00,000/- to withdraw the amount. At that time informant told her that, she can not deposit the said amount and asked Meera to return the same. Till then she did not know that, fraud was committed. She asked many time to return the amount. But, same was rejected.

The said member insisting upon her to deposit the amount and also threatened that, if, same is not deposited, the amount which was already in the investment will get as liquidated damage. When she refused to deposit the amount she did not get any message after that. After coming to know that, there was fraud committed to her, on 17.05.2024 she called 1930 and lodged the complaint. In the information she has explained about the investments.

10. Upon the information by the informant, Cr.No.54/2024 is registered on 22.05.2024 and case was taken up for investigation. During the investigation the trial of amount which was invested by the informant was searched. During the investigation, the bank details and the transaction details of informant in HDFC Bank and Bank of India Bank are secured. Further, the transaction from the complainant bank account at HDFC Bank and Bank of India Bank to the account at State Bank of India Bank bearing account No.42635956734 secured. The transaction details from the Axis Bank account of complainant to the IndusInd Bank account are also secured. Further, the bank transaction from the HDFC Bank account of complainant to the Axis Bank are secured.

11. After securing the accounts statement from the different accounts and on verification, it is found that, from the complainant bank account Rs.2,50,000/- was transferred to the State Bank of India bank account bearing No.42635956734 in the name of accused. When the details of the account holder are searched, it is found that, it belongs to Riza Agencies, Ghasipur, Fakharpur, Bahraiach and in that account the balance was found for

Rs.2,15,277.84/-. When it is found the said amount is transfer to the account of the accused, it was requested to freeze the account. It is informed to the complainant/informant to get the amount after obtaining the order from the court.

It is reported in the final report that, there are cases registered in Gurugon Cyber Police Station at Haryana Cr.No.107/2024 under Section 420 of I.P.C against the accused, who are the holder of bank accounts bearing No.201028791471, 257358013006. When the address of those accused were searched, there is no proper information received from the bank. Even, the information was searched about the accused in the Cyber portal, but nothing is found. The UPI link which was shared to the complainant to receive the amount, the IP of the said address is also not traced. It is not possible to trace the accused and the Cyber Hackers have used public domain internet, hence, the accused were not traced. Since, the accused were not traced from the past one year the 'C' report was submitted.

12. The applicant has filed application under Sec.457 of Cr.P.C seeking release of the freezed amount in Riza Agencies account bearing No.00000042635956734, IFSC

Code SBI0000015, Bahraiach Branch (UP) in favour of the applicant account No.841210410003623, Bank of India, IFSC Code BKID0008954. The said application was opposed by the prosecution. After that, the court has passed impugned order by dismissing the application filed by the applicant on the ground that, the matter is still under investigation. The accused is unknown and he has not been secured in this case. As such, it is not proper to release the said freezed amount.

13. On appreciation of the material on record it reveals that, initially informant/applicant has filed information about the fraud committed upon her. She has submitted details of the investments. On her information Cr.No.54/2024 is registered. Subsequently, investigation was taken up and the bank details of complainant and the bank details of the account to which the complainant has transferred the amount is also been secured.

14. During the investigation, it is found that, the amount transferred from the account of the complainant in HDFC Bank and Bank of India bank to the State Bank of India bank account bearing No.42635956734. During the investigation it is also found that, from the account of the complainant Rs.2,50,000/- was transferred to the above

said bank account at State Bank of India Bank. When the details of the said bank account are traced it is found that, the said bank account was standing in the name of Riza Agencies, Ghasipur, Fakharpur, Bahraiach and the amount in the said bank account is Rs.2,15,277.84/-. During the investigation the trail of amount was searched from the complainant's bank account. The amount ended up in the above said State Bank of India account bearing No.42635956737.

Further, during the investigation, the bank statement at State Bank of India Bank standing in the name of Riza Agencies is also seized. It is found that, the amount is transferred from the account of complainant to the said Riza Agencies. On 28.03.2024 an amount of Rs.1,00,000/- transferred to the said Riza Agencies and again on 28.04.2025 another Rs.1,50,000/- transferred to the same account.

15. It is clear from the statement that, the amount of the complainant is ended up in the account of Riza Agencies. Now, as per the details found during the investigation an amount Rs.2,15,277/- is in the said account. The investigating agency has also found the

details of the said Riza Agencies and it is found that, the same was opened by one Adeeb Beg S/o Haseeb Beg. Subsequently, the investigating agency submitted requisition to freeze the account. Upon requisition the said account at State Bank of India Bank in the name of Riza Agencies is seized.

16. It is very much clear from the records that, the amount of the complainant of Rs.2,50,000/- found in the account of Riza Agencies. It is reported by the investigating agency that, fraud been committed. However, when the details of the accused were searched they were not found and there are other cases also filed at Gurugon Cyber Police Station at Haryana. Even, inspite of tracing of the details, accused was not found and it is opined in the report that, the UPI link which was sent to complainant to transfer the amount, the IP address of the same is not traced. It is also opined that, the Cyber Hackers have used public domain center, as such, the accused were not traced and subsequently, the 'C' report is filed.

17. It is clear from the material on record that, the some part of the amount, which was transferred by the complainant to the link was found in the Riza Agencies. Since, the said amount is of informant same has to be

return to the complainant/informant.

18. The investigating agency has submitted report that, the informant can get order from the court and get the amount release in her favour and they have no objection for the same. Considering these aspects this court is of the view that, an amount of Rs.2,15,277/- which was traced in the Riza Agencies account bearing No.00000042635956734, IFSC Code SBI0000015, State Bank of India, Bahraich Branch (U.P) is to be released in favour of the informant. The trial court has not properly appreciated the material on record and passed the impugned order, which need to be set aside. In view of the above observation, the present petition deserves to be allowed. Consequently, the application filed by the applicant is also allowed and amount freezed in the account of Riza Agencies is to be release in favour of the applicant. The petitioner has made out grounds to allow the petition. Accordingly, point No.1 held in **Affirmative**.

**POINT NO. 2:-**

19. In the result, this court proceed to pass the following:

**ORDER**

The petition filed by the petitioner U/Sec.397 of Cr.P.C is hereby **allowed**.

The application filed by the applicant U/Sec.457 of Cr.P.C., is hereby **allowed**.

The amount of Rs.2,15,277/- freezed in the RIZA Agencies account No.00000042635956734, IFSC Code SBI0000015, State Bank of India, Bahraich Branch (U.P) is ordered to be released and transferred to the interim custody of the applicant by name Yashoda.G to her account No.841210410003623 at Bank of India, IFSC Code BKID0008954 on her executing indemnity bond for a sum of Rs.1,00,000/- with one surety for the likesum, subject to the following conditions:

1. The concerned I.O., shall submit report with regard to the release and transfer of amount of Rs.2,15,277/- in favour of the applicant from the freezed account RIZA Agencies A/c No.00000042635956734, IFSC

Code SBI0000015, State Bank of India,  
Bahraich Branch (UP).

2. It is directed to the applicant that, if, the IO or the concerned court requires the said amount, the applicant has to produce amount of Rs.2,15,277/-. If, the applicant fails to comply the above directions the concerned court can pass appropriate order.

Send back the Trial Court records along with copy of this order forthwith.

(Dictated to the stenographer on computer, corrected and then pronounced by me in the Open Court, on this the **09<sup>th</sup> day of March 2026**)

**[Gururaj Somakkalavar]**  
**III Addl. District & Sessions Judge,**  
**Mysuru.**