MHAU030065252013	**RCC NO.907/2013** **The State of Maharashtra Vs.** **Sameer Nishikant Tidke**

ORDER BELOW EXH.8.

Read application and say. This is the application for discharge under Section 239 of the Code of Criminal Procedure, (in short "Cr.P.C.") by accused Sameer Nishikant Tidke.

2. Ld. Advocate for accused submitted that, false case was filed. The accused is innocent and there was some local advertisement in Lokmat News Paper on 01.04.2012 for getting some money accused contacted on telephone number i.e. 7875148205 mentioned in the advertisement. On the said number they told to deposit amount in his bank ICICI bank, then he will get some profit. But he had no amount, then that person told this accused that, they will depositing the amount. So, to earn some money accused believing on that person, accused say his bank detail and amount was transferred to this account of Rs.5,10,000/- and accused received direction of that person to withdraw that amount and keep it in one box and the said box given to Tej Couriers, Opp. Baba Petrol Pump, Aurangabad. The said was done by the accused. But, there accused had no knowledge who deposited the said amount and by whom said amount taken by Tej Couriers. So, there was no evidence that accused hacked account or illegally transferred and received the amount. So, false case was filed against the accused. There was no evidence against the accused. Hence, accused deserves to be discharge.

3. Ld. A.P.P. for the state filed say and submitted that, informant received call from some unknown person that, he will get the job to see the advertisement and for that they assured informant to give job, but informant was directed to give all his details about the account maintained in HDFC Bank. However, initially informant gave FIR that, somebody hacked his account. But, later on he stated that, he cheated by somebody by saying that, he will get job and he was called to the seminar at Nasik. He went there and found that, no such seminar was there and he got knowledge that, somebody cheated him. So, he immediately perused his account and found the amount of Rs.5,10,000/- was transferred from his account to the ICICI Bank bearing account number 145501501854. So, the investigation continued and after investigation it was very clear that, account was maintained by this account and he withdrawn amount. But, the I.O. did not found the truth-ness of the witness that he gave amount to the Tej Couriers for somebody else or he gave it to the Tej Couriers. In fact the accused received the amount. So, the accused was equally liable and involved in the offence. So, no case made out to discharge the accused. Therefore, prima facie case made out for framing the charge against the accused. Hence, this application may kindly be rejected.

4. The informant gave information that somebody hacked his account and transferred his amount of Rs.5,10,000/-. As per prima facie evidence it was clear that, the said amount was transferred from the informant’s account to the account of accused maintained in ICICI Bank. The accused also not denied for receipt of this amount. However, accused also not denied that, this amount not withdrawn by him. As per accused it was given to one Sanjay P. Kulkarni, at Tej Couriers and as per the direction he keep that amount in a box and gave it to the concern. But, prima facie it clear that, accused received the amount. So, accused is equally involved in the said offence, but accused and other were not traced. Some accused appears to be not traced. In such situation, at present whatever accused stating it may be his defence, but it cannot be considered at this stage. Hence, I do not found any substance in the application given by accused. The prima facie case is there to frame the charge against the accused as the amount was clearly transferred to the account of accused which accused withdrawn. So, case is made out to frame the charge. No case made out to discharge the accused. Hence, I proceed to pass following order -

ORDER

The application Exh.8 rejected.

(R. S. Jambotkar)

Date : 05/02/2026. Chief Judicial Magistrate, Aurangabad.

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same word to word as per the original order.	
Name of the Stenographer	Gajanan R. Tehere Stenographer Grade-II
Court	R. S. Jambotkar, Chief Judicial Magistrate, Aurangabad.
Date	05.02.2026
Order signed by the presiding officer on	09.02.2026
Order uploaded on	09.02.2026