

MHGA070001412017



**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, AHERI,
DISTRICT-GADCHIROLI**

(Presided over by Mr. S. S. Mahale)

Regular Criminal Case No.10/2017

(CNR No.MHGA07-0001412017)

PROSECUTION : State of Maharashtra
through Police Station Officer,
Police Station, Aheri,
District – Gadchiroli.

- V E R S E S -

APPLICANT/ACCUSED/ : No.2) Shyamsunder Gulab Akkewar,
Age 63 years, Occup.-Retired Teacher,
R/o. Balaji Ward, Kannamwar Nagar,
Gadchiroli, Taluka – Gadchiroli,
District – Gadchiroli.

ORDER BELOW EXH.37

(Passed on 20/08/2018)

01. Through the present application, the applicant/accused namely Shyamsunder Gulabrao Akkewar sought permission to operate his account No.200210065323826 opened by him in the District Central Co-Operative Bank, Gadchiroli.

02. It is submitted by the applicant/accused that he is a senior citizen and suffering from lot of health problems. His daughters as well son is in jail. He received pension amount through the said account. He is not having any other source of income. Thus, in view of above facts, he prayed for permission to operate said account.

03. On the other hand, it is submitted by the learned APP and I.O. that if permission to operate said account is granted to the applicant/accused as prayed then possibility of tampering prosecution evidence gets increased. As per their submission, the applicant/accused has played active role in the instant crime. The seriousness as well as gravity of the offence is at large scale. Thus, they prayed for rejection of the application.

04. Read the application, say of Investigating officer and of learned APP. Gone through the record. Heard the learned advocate for the applicant/accused as well as the learned APP. Prima-facie perusal of the final report reveals that, the present applicant/accused is the participant in the present crime. Apparently, it is seen that the present crime took place in furtherance of the common intention of all the accused. However, the investigation in the present crime is completed since long and the final report is filed on 10/03/2017 in the Court. All the alleged transactions seems to have taken place in the year 2015 and 2016. Importantly, the present applicant/accused seems to be a senior citizen. At this stage there is no evidence on record which shows that he does not receive his pension amount in the said account. Thus, taking into consideration all the above facts and circumstances, in my opinion, conditional permission to operate said account can be granted to the applicant/accused to relive him from unnecessary hardship. Hence, in the backdrop of above discussion, I pass the following order.

ORDER

(1) The applicant/accused Shyamsunder Gulabrao Akkewar is granted permission to operate his account No. 200210065323826 opened by him in the District Central Co-operative Bank, Gadchiroli subject to following conditions.

(a) The applicant is entitled to withdraw his pension amount only from his said account since April 2017 onwards.

(b) The applicant shall not tamper any entries in his said account in any manner.

(c) The concerned officer of the District Central Co-Operative Bank, Gadchiroli is directed to de-freeze account No.200210065323826 opened in the name of applicant/accused namely Shyamsunder Gulab Akkewar and allow him to withdraw his pension amount only since April 2017 onwards.

(2) In view of above directions, the present application is disposed off.

Sd/-.

(S.S. Mahale)

PLACE : AHERI.

DATE : 20/08/2018.

Judicial Magistrate (First Class), Aheri,
Dist Gadchiroli.