MHKO010051002022

ORDER BELOW EXH. 144 IN SPL. CASE NO.285/2022

This is an application filed by Sou. Rita Sandeep Sonawane, the accused No.14 in this case, which is filed on the basis of chargesheet by the Shahupuri Police Station under Section 420, 406, 409 read with 34 of the Indian Penal Code, 1860 r/w. Section 3, 4 and 6 of the Maharashtra Protection of Interest of Depositors Act,1999 (MPID Act) with Section 21 of the Banning of Unregulated Deposit Schemes Act, 2019. She is on bail and her bank accounts have been freezed.

2. The applicant has contended that she has obtained loan of Rs.3,00,000/- by mortgaging her gold ornaments to Bank of Baroda, Branch-Shahupuri on 08/09/2022. She is not able to repay the installments of her loan as her account has been freezed. She has also contended that the amount standing to her credit in her bank account is required for her day to day need and therefore, her bank account may be de-freezed. She is ready to abide by the conditions that would be imposed and will furnish the information regarding her transactions to this Court.

3. The say of prosecution was called and the prosecution has resisted this application by say (Exh.162) contending that this accused has not produced the amount received by her as commission from the customers which is in lacks of rupees. Her KIA Seltos car has

been given to her on bond temporarily and it is to be produced for making its valuation through RTO but she has changed her contact number and address without informing the Investigating Officer and therefore, the proposal for confiscation of the said car is not submitted. Under such circumstances, the bank account of this accused if de-freezed, the amount standing in that account will be siphoned by her. Therefore, her prayer may be rejected.

4. Heard the learned advocate for the applicant and the learned APP Smt. M.B.Patil. The applicant has produced on record the copies of her Aadhar card, PAN card, her bank passbook and receipt of mortgaging her gold ornaments. There is nothing produced on record to show that this accused was called upon to produce her car for its valuation and she has changed her address or contact number. The learned advocate for this accused refers the bank passbook which shows that only Rs.351.34/- is standing in her account and therefore, there would be no question of withdrawing the amount from that account. This accused just wants to repay the Gold loan. The receipt shows that she has obtained loan of Rs.3,00,000/- by mortgaging 93.39 Gms gold ornaments.

5. According to me, freezing the loan account may not be an impediment to repay the installments of the gold loan obtained by the accused. If, at all permission of this Court to de-freeze her Gold loan account for the said purpose is required, then such permission can be granted, as the applicant need not remain indebted though she is able to repay the Gold loan. Hence, I hold that if the gold loan account of the applicant is required to be de-freezed for paying the

installments of the loan amount, it can be allowed to be de-freezed for the said limited purpose. Hence, the order.

O R D E R

(1) The application is allowed.

(2) The account of the Gold Loan No.4350000 in Bank of Baroda, Branch-Shahupuri, if required to be de-freezed for repayment of the installments by accused Rita Sandeep Sonawane, it may be de-freezed for this limited purpose.

(3) The accused Rita Sandeep Sonawane is not allowed to withdraw mortgaged Gold ornaments even after satisfaction of the entire gold loan without permission of this Court.

Digitally signed by Shivaji Ramchandra Salunkhe
Date: 2023.07.15 18:12:24 +0530

(**S. R. Salunkhe**)
Additional Sessions Judge,
Kolhapur.

Date: 14/07/2023.