

MHKO010051002022

**ORDER BELOW EXH.201 IN SPECIAL CASE NO.285/2022**

This is an application filed by Sachin Shantinath Kadam (accused No.11) for return of the cash amount of Rs.18,00,000/-, one mobile phone of Vivo company and for an order to de-freeze his bank account in Bank of Baroda, Branch-Shahupuri, u/s. 451/457 of Cr.P.C.

2. The applicant is prosecuted for the offences u/s. 420, 406, 409 r/w.34 of IPC and u/s. 3,4 and 6 of The Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999(MPID Act). All the aforesaid muddemal has been seized during investigation and the bank account of the applicant has been freezed. An amount more than 300 Corers has been involved in this crime.

3. Heard Shri. V.M.Khade, the learned advocate for the applicant and Shri. A.A.Peerzade, the learned APP. The prosecution has resisted this application by say on the ground that the muddemal seized in this crime is necessary to be preserved for just decision of the case and to ensure recovery of the amounts invested by the depositors.

4. Considering the nature of offences, section 4 of MPID Act, provides for attachment of properties on default of return of deposits. The seized muddemal is subject for attachment. The important data is saved in the seized muddemal and such primary evidence has to be preserved. There is no reason to justify de-freezing the account of the applicant. The application is devoid of merit and is liable to be rejected.

ORDER

The application is rejected.

(S.R. Salunkhe)

Date: 25/09/2023.

Special Judge (MPID), Kolhapur.