

MHKO070010192026 	<u>CRIMINAL MISC. APPLICATION NO.83/2026</u> Arvind Jagannath Kandesar Vs State of Maharashtra Through Jaysingpur Police Station
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ORDER BELOW EXH. 01

The applicant namely Arvind Jagannath Kandesar has presented this application for de-freezing the accounts as mentioned in the application which came to be freezed in Crime No.75/2026 which is registered at Jaysingpur Police Station.

02. Perused the application, affidavit of the applicant and documents filed along with the application. The say of I.O., other side and Ld. A.P.P was called. They have filed their say.

03. Heard the Ld. Advocate for the applicant, Ld. A.P.P for the state and the Ld. advocate for the other side.

04. The points for determination along with my findings thereon for the reasons thereof are as under-

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDING</u>
I.	Is the applicant entitled to have defreeze the said account as prayed for?	... Yes
II.	What order?	... As per final order

REASONING

As to Point no.1

05. Applicant submitted that he has no any concern with the alleged crime. He is not accused in the crime. Due to the defreezing of the accounts he has suffering the loss. The said accounts are the loan accounts. Hence, prayed for allowing the application. The I.O. has filed their say. It is most

important to note that as per the say of I.O. the name of applicant is not mentioned in the column of the accused. From the perusal of say of I.O. it reveals that the present applicant has not made the accused in the alleged crime. Hence, in that circumstances there is no any justification in regard to the freezing the said loan account on the name of the said applicant. There is no any necessity to hear any other person than the applicant as the applicant is not the accused in the alleged crime.

06. The applicant vide Exh.3 has filed the documents in regard to the contentions of the application. The applicant has not prayed for the possession of the alleged gold in the alleged account. The applicant only prayed for defreezing the freezed accounts. As per the say of I.O. the name of the applicant is not mentioned in the accused column. Hence, in such circumstances there is no any justification for keeping the said account defreezed. The I.O. has not given the separate explanation about each and every account. Therefore, no purpose would be served to direct the applicant to prove the fact as stated in the application. Hence, in all such circumstances no purpose will be served for kept freezing the account for indefinite period. Hence, aforesaid reasons I answer the point no.1 in affirmative and proceed to pass following order in answer to point no.2.

: ORDER :

- 1] The application is allowed on following terms and conditions-
 - A] The accounts which are freezed as per the application be defreezed.
 - B] Parties to the application shall proceed further accordingly.
 - C] The defreezing the account(s) shall not affect, prejudice or extinguish any contractual right, security interest, lien, charge, right of recovery or any other rights available to the financial institution as per the agreement.

D] The prayer of any party which is not granted be taken as rejected.

E] I.O. to file compliance report in Crime No.75/2026.

F] Issue yadi accordingly to concerned police station for compliance. C.C. to comply accordingly.

(Dictated and pronounced in open Court).

Dated: - 14/08/2026

(A. T. Mangire)

Judicial Magistrate (F.C.), Court No.2
Jaysingpur, Tal.Shirol, Dist.Kolhaupr

I affirm that the contents of this P.D.F file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Shri. C.N.Kumbhar
Name of Court	2 nd Jt.C.J.J.D.& J.M.F.C., Jaysingpur.
Date of Dictation.	14/08/2026.
Judgment/order signed by the PO on	14/08/2026.
Judgment/order uploaded on	14/08/2026.