

**ORDER BELOW NOTICE BEARING NO.637/N/2021
IN C.R.NO.21/2021 OF ANDHERI POLICE STATION, MUMBAI.**

SK. Musiar Rahaman		Applicant.
V/s		
The State of Maharashtra Through Andheri Police station, Mumbai.		Respondent

ORDER

(Dated 14/10/2021)

1. Applicant has filed this application for defreezing bank account i.e. Axis Bank, Uluberia branch, Howrah, West Bengal : 711315 bearing account No.916020037454287 in the name of “DOULAT DRESSES”.

2. Investigating Officer of Andheri police station has filed say & he has no objection to defreeze the account on certain conditions. Ld APP has filed say and submitted that said account is used for transaction of misappropriate amount. Investigating Officer is not objected the application, but there is possibility to use amount for personal use, hence application kindly be rejected. Respondent No.2 i.e. Axis Bank has filed its say and submitted that it has no objection to defreeze the account.

3. Notice of said application had been sent to Cyber Crime, CID, Mumbai for filing their say. It appears that notice is served to the Cyber Crime, CID, Mumbai. But despite of service of notice to concern bank, it has failed to appear before the Court and therefore, application is proceeded without say of Cyber Crime, CID, Mumbai. After passing no say order, Cyber Police, CID, Mumbai has filed its say and submitted to

pass necessary order in respect of defreezing of account.

4. The applicant has filed copies of bank account details & copy of Registration Certificate of M/s DOULAT DRESSES, Adhar card & invoice drawn in the name of Sivsankar.

5. Heard both sides. The contents of application and say given by Investigating Officer shows that concern police have freezed Bank account of SK. Musiar Rahaman. The say filed by concern police shows that amount of Rs.20,000/- of the informant is lying in said account. The contents of application shows that the Applicant is ready to repay Rs.20,000/- to the complainant. It also appears that the Applicant is ready to abide any conditions. Therefore, considering above discussion, I come to the conclusion that the applicant is entitled to defreeze said bank account on certain conditions. Therefore, it is necessary to defreeze the Bank account mentioned in the application. Hence in the interest of justice, I pass following order :-

ORDER

1) Application is allowed & Andheri police station is directed to defreeze the Bank account mentioned in the prayer clause of the application.

2) Applicant is directed to file undertaking not to utilize or spend amount of Rs.20,000/- lying in the name of complainant in the account of Applicant.

Sd/-

(C.P. Kashid)

Metropolitan Magistrate

65th Court, Andheri, Mumbai

Dt.14.10.2021.