

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS
(62nd COURT), DADAR, MUMBAI.**

Appl. No. 2335/Misc./2026

Peter Alex D'souza V/s.

The State of Maharashtra

ORDER BELOW EXH. 01

1] Read the application and say. Investigating officer in his reply has given the details of bank accounts and freezed total an amount of Rs. 3,45,346/- (Three Lakhs forty five thousand three hundred forty six only) and requested to pass necessary order with respect to the amount claimed by the applicant.

2] By this application applicant requested to return an amount of Rs. 3,45,346.41/- (Three Lakhs forty five thousand three hundred forty six and forty one paise). Perused the photocopies of documents on record. It seems that present applicant has lodged FIR and reported the fact of cheating to the police. This itself shows that before incident amount was with the applicant/informant. Moreover, he has filed copy of FIR in support of the application.

3] On perusal of record, it transpires that police filed their say dtd. 08/06/2026 which shows that applicant transferred an amount of Rs. 11,42,000/- (Eleven lakhs forty two thousand only) in different bank accounts. Out of which, an amount of Rs. 3,45,346/- (Three Lakhs forty five thousand three hundred forty six only) came to be freezed from different bank accounts with the help of Nodal officers of the concerned bank.

4] Considering the facts and documents on record, it seems, the applicant has better right to get interim custody of Rs. 3,45,346/- (Three Lakhs forty five thousand three hundred forty six only) Therefore, after gone through say of I.O the applicant is entitled to get interim custody of Rs. 3,45,346/- (Three Lakhs forty five thousand three hundred forty six only) Hence, the application is allowed. Hence, order;

ORDER

- 1) The application is allowed.
- 2) The investigating officer is directed to issue

letter to the concerned bank to defreeze the amount of Rs. 3,45,346/- (Three Lakhs forty five thousand three hundred forty six only) as per police report dtd. 08/06/2026 and it be transferred in the account of applicant till the conclusion of the trial on executing indemnity bond of Rs. 3,45,346/- (Three Lakhs forty five thousand three hundred forty six only) before the Court.

3) The concerned bank is directed to transfer frozen amount lying with respondent banks as per report/reply dtd.08/06/2026 of Investigating Officer in the account of the applicant.

4) The applicant shall deposit an amount of Rs. 3,45,346/- (Three Lakhs forty five thousand three hundred forty six only) in the Court as and when required.

5) The Investigating Officer is directed to produce the indemnity bond and panchanama if any in the court, if charge-sheet filed.

(Nilesh N. Dhend)
Judicial Magistrate First Class
62nd Court, Dadar, Mumbai.

Dt: 09/06/2026