

M.P.I.D. Case No. 3/2015.

State Vs. Haribhau Manchalwar & Ors.

Order below Exh.6
(Passed on 22.09.2015)

By filing this application, accused no.2 Meena Haribhau Manchalwar has filed an application for defreezing the bank account of her daughter Priyanka Haribhau Manchalwar.

1] The learned Spl. P.P. has opposed the application on the ground that the attached property is now vested in the Government and it was for the competent authority to deal with the matter and therefore, the application is not tenable.

2] It is averred in the application that the daughter of applicant namely Priyanka Haribhau Manchalwar is studying in Paloti Engineering College in 3rd year and since she belongs to S.C. Category, she is getting scholarship which is being deposited in her Saving Bank Account No. 60182489970 of Bank of Maharashtra, Mahal Branch, Nagpur, however, the said account has been freezed as per the letter of D.C.P, Crime Branch, Nagpur dated 12.01.2014 and due to this, the daughter of applicant could not operate her scholarship account and as a result, her education and career is being affected. It is contended that the scholarship account of daughter of accused no.2 has absolutely no nexus with the transactions of accused persons and therefore, the said account needs to be defreezed.

3] Mr. Dubey, learned Spl. P.P. submitted that he has verified the list of attached property, wherein there is no mention of

the account of Priyanka Haribhau Manchalwar. The learned advocate for the applicant submitted that accused no.2 has filed pursis at Exh.8 informing this Court that only an amount of Rs.2825/- is lying in the scholarship account of her daughter. Her daughter Priyanka has also given her undertaking at Exh.7 that she will operate the aforesaid account only to receive the scholarship amount and she will not operate the account for any other purpose. It prima facie appears that the saving bank account of Priyanka Manchalwar has no connection with the amount alleged to have been misappropriated or dealt with by the accused persons. There appears to be no rationale in freezing the account of the student particularly when there is nothing to indicate that any of the accused had deposited any amount in the said account. In the circumstances, I do not find any hurdle in granting the application. The application, therefore, deserves to be allowed. Hence, I proceed to pass the following order.

Order

The application is allowed.

The Investigating Officer is directed to issue letter to Bank of Maharashtra, Mahal Branch, Nagpur for defreezing the saving bank account no. 60182489970 of Priyanka Haribhau Manchalwar.

Inform accordingly to Investigating Officer.

(V.T. Suryawanshi)

Special Judge,

M.P.I.D. Act & ASJ-3, Nagpur.

Dated-22.09.2015.