

MHNS130001602026

**Cri.M.A.No.27/2026**

Vinay Shivaji Ahire

Vs.

State of Maharashtra

ORDER BELOW EXH.1 IN
Criminal Miscellaneous Application No.27 of 2026.

01] The applicant, Vinay Shivaji Ahire has filed this application under Section 503 of the B.N.S.S. for return/ refund of lien amount Rs.90,000/-.

02] The applicant has contended that on 16/02/2026, he received messages on his telephone of amount being debited from his account. Later, he came to know that the amount was debited from his IDFC Bank credit card No.4399923150. The applicant was defrauded and cheated by an unknown for Rs.92,230/- on 16/02/2026. On 16/02/2026, the applicant has lodged a cyber complaint at National Cyber Crime Reporting Portal with Acknowledgment No.31902260036037.

03] Learned APP resisted the application on the ground that it is necessary to call say of original investigation officer/ cyber police. There is no evidence

on record to show which account or which transaction has been kept on hold. It is necessary to call say of account holder. There is no particulars about account details and branch in which the amount has been kept on hold.

04] Police Inspector of Cyber Police Station, Nashik Gramin filed say (Exh.6) and corroborated contentions of the applicant. Police station has no objection to allow the application.

05] Say (Exh.6) shows that amount of Rs.90,000/- has been kept on hold in account number 5908276950 of Central Bank of India.

06] Section 503 of the B.N.S.S. provides that whenever the seizure of property by any Police Officer is reported to a Magistrate under the provisions of this Sanhita, and such property is not produced before a Criminal Court during an enquiry of trial, the Magistrate make such order as he things fit for disposal of such property.

07] This Section does not contemplate registration of FIR for making order of disposal of property. It only provide that seizure of property must be made under the provisions of B.N.S.S. and must be reported to a Magistrate. There is no material on record to show that under what provisions lien has been kept on amount of Rs.90,000/-. But as per say of police, the said amount has been withheld pursuance to a complaint registered on online portal.

08] In the judgment of *Sevakram Bharati Vs. M.P. Special Police Establishment*, in Criminal Revision No.4064/2024, it has been held that reporting of seizure as per Section 102(3) of Cr.P.C. is complied when an application is made before a concern Magistrate.

09] In the judgment of Hon'ble Apex Court in case of *Shento Warghese Vs. Julifikar Husen (2024)7, SCC 23* wherein it has been held that non compliance of reporting seizure U/s.102(3) of Cr.P.C. does not vitiate the seizure.

10] Thus, I find that jurisdiction of Magistrate is not taken away to pass order in such cases wherein amount is kept under lien as per order of police in pursuance of online complaint of Cyber fraud.

11] The Account Holder or any other person has not approached this Court for claiming or return of lien amount. It would be proper to return the lien amount to the applicant subject to sufficient security. Hence, I pass following order;

ORDER

- 1) Application is allowed.
- 2) Office In-charge of Cyber Police Station, Nashik Gramin, is hereby directed to return/ refund amount of Rs.90,000/- (*Rupees Ninety Thousand only*) to the applicant by directing the concerned Bank to withdraw the lien.
- 3) The applicant shall execute a personal bond of Rs.90,000/- (*Rupees Ninety Thousand only*) and one or more solvent sureties of Rs.90,000/- (*Rupees Ninety Thousand only*) for payment of Rs.90,000/- (*Rupees Ninety Thousand only*) as and when required by this Court.

Sd/-

(A. J. Patil)

Date : 29/04/2026

Judicial Magistrate, F.C.

Pimpalgaon (B).

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Wednesday, April 29, 2026
