

ORDER PASSED BELOW EXH.1

1. The present application is filed by the applicant **Vivek Prabhakar Nichal** for return of **seized / hold amount of Rs.1,53,200/-** by Ravet Police Station vide Cyber complaint No. 31901240012208 and 21901240007151.

2. Ld. A.P.P and I.O. filed their respective say. It is contended by the Ld. APP that, it seems from the record and FIR that, informant have transferred Rs. 1,53,200/- in the account of several persons as task received from online link received from some unknown person. During investigation police have freezed certain accounts in which the informant has transferred the respective amount. The total freezed amount is Rs. 1,53,200/- out of amount deposited by the informant. Therefore, necessary order be passed on certain conditions.

3. Perusal of reply of Ld. APP and I.O. along with seizure panchanama, it is clear that, an amount of Rs.1,53,200/- is freezed. From bank statement produced by applicant and reply of I.O. it is clear that the aforesaid amount was freezed from the account from which the informant has transferred the respective amount. As on today, there is no any claimant and the concerned person from whose account are freezed have not claimed said amount, therefore in view of Judgment of Hon'ble Supreme Court of India in case of ***Sunderbhai Ambalal Desai Vs. State of Gujrat 2002 Supp(3) SCR 39***, the applicant is entitled for interim custody of said amount. Considering the above all discussion, I do not found the reason at this stage to detained said amount in said account till end of the trial. Hence, the applicant is granted with following conditions:-

:: ORDER ::

- 1) The concerned Investigation Officer to necessary steps for releasing the an amount of **Rs.1,53,200/-** to the applicant, from the accounts which is freezed in Cyber complaint No. 31901240012208 and 21901240007151 registered at Cyber Portal by following the due procedure on executing indemnity bond of **Rs.1,53,200/-** by applicant that :-
 - a) He shall produce account statements as and when required.
 - b) He shall indemnify aforesaid amount if court orders.

Date: 03/08/2024

(A. S. Agrawal)
6th Jt. Judicial Magistrate First Class
Vadgaon Maval, Pune.

CERTIFICATE

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

UPLOAD DATE

TIME

NAME OF THE

03/08/2024

STENOGRAPHER

Mayur R. Sonwane

Name of the Court

Shri. A. S. Agrawal,
6th Jt. Civil Judge (J.D.),
Vadgaon Maval, Pune

Date OF Pronouncement of
judgment/Order

03/08/2024

Judgment/Order Typed on

03/08/2024

Judgment/Order signed by P.O. on

03/08/2024

Judgment uploaded on

05/08/2024

Sd/-xxx
Stenographer
Grade-iii