

MHPU2300-0725-2024 	State Vs. Sanjeev and ors.
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ORDER BELOW EXH. 3.
(Passed on 07-01-2025)

The applicant has filed the present application to de-freeze the current bank account maintain in ICICI Bank bearing account no. 05080500539.

2. I.O and Ld. APP has opposed the application vide their respective say. Perused the application, say along with record of the case.

3. Ld. Advocate for applicant has argued in addition to contents in the present application, he has contended that during the investigation of the alleged offence bearing CR. No. 332 of 2022 registered with Mahalunge M.I.D.C. Police Station, I.O. had frozen the current account no. 05080500539 of the partnership firm of the applicants. The said act of the investigation officer is illegal, null and void and thereby it is necessary to de-freeze said account. The investigation officer during investigation of the alleged offence had taken steps u/s 91 of the Code of Criminal Procedure and beyond the scope of provisions of the said section firm he issued letter/summons to the concern bank i.e. I.C.I.C.I Bank to freeze the bank account of partnership firm of applicants. Even the necessary notice before such freezing of the bank account was not issued at the instance of said bank to the present applicants. Therefore, the alleged act at the instance of investigation officer is not in accordance with law and beyond the scope of provisions of section 91 of the Code of Criminal Procedure. Further contended that, after the complete

investigation the charge-sheet is filed in the alleged offence. But, there is nothing in the said charge-sheet against the present applicants or in respect of their partnership firm. The partnership firm of present applicants is dealing with the installation of the automations/robot which has no nexus with the alleged secret data of the informant's company. Also, there is no evidence on record to show that the amount lying in the applicants said bank account is of the informant. The another important is that the present applicants are not accused in the alleged offence. Neither they have any transaction with the informant company. For this reasons the seizing / freezing the alleged current bank account of the applicant's be de-frozen, as prayed. Accordingly, prayed to allow the present application.

4. Ld. App has opposed the application vide his reply on the back side of the same application mainly on the ground that the huge amount of Rs. 1,19,67,927/- (Rupees One Crore Nineteen Lakh Sixty Seven Thousand, Nine Hundred Twenty Seven only) is lying in the alleged bank account and from the evidence of the record, it is clear that the said amount is credited in accordance with the transaction at the instance of husbands of the present applicants. The husband's of the present applicants were on the prominent position in the informant company in crime no. 338/2023 registered with Mahalunge M.I.D.C. Police Station. It is alleged that, such husbands of the applicants have stolen secret data of the informant company and provided to rival/competitive of the informant company namely Steel Strips Wheels Limited. Also the alleged amount is credited from the Steel Strips Private Limited Company to the alleged bank account. Therefore, there is nexus of the alleged amount with the alleged offence. The contention of Ld. Advocate of applicants is not good

in that behalf. Therefore, it is not just and proper to de-freeze the said bank account, as prayed by the present applicants. In support of his contention, he has relied on ruling of Hon'ble High Court of Bombay in Manish Khandelwal And Ors vs The State of maharashtra And Ors.

5. From counter submission and perusal of the case it appears clearly that, the alleged offence bearing CR. No. 332/2023 was registered with Mahalunge M.I.D.C. Police Station Pimpari Chinchwad for the alleged offence punishable u/s 201, 381, 406, 420 r/w 34 of I.P.C. and section 43 and 66 of I.T.I. The accused no. 1 and 2 in the said crime are the husband of the applicant namely Asha Sanjeev Ninganoor and Sunita Arun Chikhale, respectively. The present applicant's are the partners of their firm. It is alleged in the crime no. 332/2023 that the said accused no. 1 and 2 along with co-accused have stolen secret data by misusing their official position in the informant company and provide to rival company for the tune of which alleged rival company deposited the amount in the alleged bank account of the present applicant's partnership firm.

6. Further, although personal relationship of present applicant's i.e partners of the partnership firm with the accused no. 1 and 2 in the alleged offence registered with Mahalunge M.I.D.C police station is established on the record. However, it is important to take into note that, the investigation officer has filed charge-sheet on 07/03/2024 which itself reveals that the investigation has approximately completed. There is nothing in the chargesheet against the present applicants who are the partners of the partnership firm. Also they are not co-accused in the alleged offence along with accused no. 1 and 2. Nothing found to the I.O. against such present applicants during his investigation. Although, the present charge-sheet is subject to the scope of filing of supplementary charge-sheet in

accordance with the provisions of section 173(8) of the Code of Criminal Procedure, however till today, there is nothing on record so far as concern to any supplementary charge-sheet. Also the say of I.O. dated 20/09/2024 which is at Exh. 10 do not show any cogent ground to reject the present application. It is also silent in respect of any suspicion or collection of evidence to show the nexus of the amount in the alleged account of partnership firm of applicant with the alleged offence. These circumstances clearly establish that there is no role of present applicants in the alleged offence. Neither they have nexus with the alleged transaction at the instance of accused no. 1 and 2. Therefore freezing the bank account of the partner ship firm of the present applicants in connection with the alleged offence is without merit and not just.

7. Further, the alleged bank account is the current account of partnership firm which shows that the applicants need to operate it for their daily business purposes. But due to freeze of such account, they are unable to operate it and use the money for free circulation for business activities in the market. Freezing such account in this circumstances of the case and even after filing of charge-sheet furthermore is not reasonable.

8. For above such reasons it is justified and proper to defreeze said account, as prayed. Further, the ground to oppose the application at the instance of I.O. and Ld. APP in respect of huge amount lying in the said account is also not reasonable to reject the said application or to freeze it furthermore. The citation relied by Ld. Advocate for applicants in Manish Khandelwal supra is helpful in the circumstances of the case. Ld. APP failed to show that the mandatory notice was issued to the present applicant's i.e. the account holders prior to freezing of the said bank account. Thus, for above discussed reasons, I proceed to pass following

order.

ORDER

1. The application below Exh. 3 is allowed.
2. The current bank account of the bearing no. 05080500539 of respondent no. 1 shall take steps to communicate this order to the concern bank and take steps to defreeze the said.

Date:- 07/01/2025
Khed- Rajgurunagar

(Smt. J.V. Maske)
4th Judicial Magistrate, F. C.
Khed- Rajgurunagar

CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same word for the word as per original Order.

Name of Steno	G.S. Raskotwar
Court Name	Smt. J. V. Maske Judicial Magistrate F.C. and 4 th Jt. Civil Judge, Jr. Div., Khed -Rajgurunagar
Date of Order	07/01/2025
Signed by PO	15/01/2025
PDF uploaded on	15/01/2025