Suraj Sainath Doke
Vs.
State of Maharashtra

Order Below Exh.1
(Passed on 10th July, 2026)

This is an application filed for releasing the amount in favour of applicant. It is contentions of the applicant that he is an agriculturist and resides at village Mahalunge Padwal, Tal. Ambegaon, Dist. Pune. He having bank account bearing No. 03270110130520 in Uco Bank, Branch Kalamb, Tal. Ambegaon. On 22/06/2024 while doing payment transaction, he inadvertently transferred amount of Rs. 45,000/- by way of phone pay in the account of Shaikh Firoj Ahmed Salim. Thereafter, applicant has lodged complaint to Cyber Cell Pune. Accordingly, Cyber Cell has freezed account of Shaikh Firoj Ahemad Salim vide acknowledgment No. 31906240092110. The bank account of Shaikh Firoj Ahemad Salim maintained in Bank of Maharashtra, Branch Jalna vide account No. 60050242013. The amount of applicant inadvertently transferred in the account of Shaikh Firoj Ahemad Salim is freezed by Cyber Cell. Therefore, applicant has prayed for releasing said freezed amount in his favour.

2. I. O. and A.P.P. have filed their say and submitted that the alleged amount is freezed by Cyber Cell and they have further submitted to pass necessary order. Say of opponent No.2 i.e. Bank of Maharashtra, Branch Jalna also called. Opponent No.2 bank has filed say and submitted that the said amount is freezed as per order of Cyber Cell. Opponent No.2 bank has also submitted to pass necessary order.

3. The say of account holder whose account is freezed namely Shaikh Firoj Ahemad Salim (hereinafter referred as account holder) also called. Account holder Shaikh Firoj Ahemad Salim has filed his say and strongly opposed the contentions of applicant. He has submitted that he is permanently resides at Jalna. It is further submitted that he is running online service center under the name and style of " Maniyar Grahak Seva Kendra" at Jalna City. In the ordinary course of said business he provides online to online money transfer services as well as online to cash transfer services to customers on nominal service charges. It is further submitted that he is duly authorized business correspondent, having been issued a certificate of authorization by NitsPay and legally permitted to provide essential banking services to customers.

4. Account holder Shaikh Firoj Ahmed Salim has further submitted that on 22/06/2024 at about 10.45 a.m. one Umesh Giri and his customer visited his service shop. It is further submitted that Umesh Giri informed him that Umesh Giri's friend namely Suraj Sainath Doke present applicant was getting married with Rekha Bankar and for said marriage expenses applicant was in urgent need of cash amount of Rs. 45,000/-. Accordingly, Umesh Giri requested to account holder to provide cash by way of online to cash money transfer service stating that the applicant would transfer the said amount online into the account holders bank account. Thereafter, account holder personally contacted to present applicant on mobile phone of Umesh Giri and only obtaining the consent of applicant he has given cash amount of Rs. 45,000/- to Umesh Giri. Pursuant thereto, the QR code of the account holder's account was shared to the applicant through Umesh Giri and thereafter, applicant transferred an amount of Rs. 45,000/- into the account holders bank account through online mode. It is further submitted that thereafter, account holder by deducting Rs. 300/- towards service charges, the amount of Rs. 44,700/- was given to Umesh Giri by in cash. According to account holder he has given cash amount of Rs. 44,700/- deducting service charges to Umesh Giri by cash and for that purpose the applicant had transferred amount of Rs. 45,000/- into his bank account. It is further his contention that the applicant has no any concern with the freezed amount. On the contrary, he is only entitled to said freezed amount as it is of his amount. On these grounds account holder has prayed for rejection of the application.

5. Perused the application and say filed thereon. Heard both side. Also perused the written notes of argument filed on behalf of applicant.

6. It is contentions of the applicant that on 22/06/2024 while doing payment transaction, he inadvertently transferred amount of Rs. 45,000/- by way of phone pay in the account of Shaikh Firoj Ahmed Salim. Thereafter, applicant has lodged complaint to Cyber Cell Pune. Accordingly, Cyber Cell has freezed account of Shaikh Firoj Ahemad Salim vide acknowledgment No. 31906240092110. According to applicant he has inadvertently transfer said amount into the account of account holder.

7. The alleged transaction taken place on 22/06/2024. The present application is filed on 25/06/2025. It is argued on behalf of the applicant that account holder having connection with the Gang of person who is cheating to the people for marriage. According to account holder applicant married with Rekha Bankar and for that marriage expenses Ravi Giri taken amount of Rs. 45,000/- (including service charge) from account holder in cash and applicant transferred amount of Rs. 45,000/- in his account. Account holder has also produced photograph of marriage of applicant.

8. The account holder has also produced the copy of his statement as well as statement of applicant recorded by Manchar Police Station. It is pertinent to note that the said both statements of account holder and applicant were recorded by police on 02/08/2024. In said statement the account holder has stated as per his say. The applicant has also stated before the police in his statement that on 22/05/2024 he married with Shila Bankar and on the say of Shila Bankar his brother-in-law expended amount of Rs. 50,000/- for marriage expenses. It is also stated by him that as per say of his brother-in-law he online transferred amount of Rs. 45,000/- on the scanner provided by his brother-in-law. After marriage when they returning to the home, Shila Bankar stated them that her pan card and adhar card remained at home and she will take it. Thereafter, Shila Bankar flees away along with unknown persons in one Bollero vehicle. It is further stated by applicant that after waiting till night, Shila Bankar never came. Therefore, he lodged complaint through helpline No. 1930 stating that he was cheated with amount of Rs. 45,000/-.

9. From the aforesaid statement of the applicant recorded by police it appears that he married with Shila Bankar and said lady cheated with him. It also appears that on the say of his brother-in-law he had transfer amount of Rs. 45,000/- for his marriage expenses. The said money transfer transaction took place on 22/05/2024 and statement of applicant recorded by Manchar Police

Station on 02/08/2024. The applicant fully aware about cheating with him regarding the marriage and amount transferred by him for expenses of his marriage committed by lady Shila Bankar and others. The account holder is not concern with said marriage of applicant. About said cheating applicant has specifically given statement before Manchar Police Station on 02/08/2024. It is pertinent to note that in the written notes of argument filed on behalf of applicant it is mentioned that on 14/11/2024 applicant has issued notice to account holder for demanding amount. However, said notice not produced on record and even nothing is disclosed about said notice in this application. The applicant having knowledge of said fact, he has nothing disclosed in the present application. On the contrary, he came with the case that he inadvertently transferred the alleged amount. However, it clears from the record that the said amount was transferred by him on the say of his relative for his marriage expenses. Therefore, it is clear that the applicant has no concern with said amount freezed by Cyber Cell. Therefore, considering the facts and evidence brought on record I come to the conclusion that applicant is not entitled to release the freezed amount in his favour. Hence, I proceed to pass the following order :-

ORDER

Application is hereby rejected.

Sd/-

(Santosh L. Vaidya)
Judicial Magistrate, F.C.,
Ghodegaon, Dist. Pune.

Date : 10/07/2026
Ghodegaon