



R.C.C. No.13/2024

State vs. Nitin +02

Exh.No.50

CNR No. MHRG090001912024

ORDER BELOW EXH. NO.50

Through the present application the informant prayed for freezing of bank accounts of the accused.

02. It is contended by the informant that, the accused are charged with serious offences of fraud, cheating and forgery. To prevent them from using funds for illegal activities it is necessary to freeze their financial resources. It will ensure that they will not tamper the evidence and influence the witnesses.

03. On the contrary, it is submitted by the accused through their reply (Exh.53) that, the present application is devoid of merits and filed with malice by the informant. As per their submission, the informant is not having locus standi to file the present application. He is abusing process of the Court. Thus, prayed for rejection of the application with costs.

04. Read the application and say filed thereon. Gone through the written arguments (Exh.138) and documents filed in support of the same by the informant. Heard the Ld. APP, Advocate for the accused and the informant in person.

05. I have gone through the ruling of the Hon'ble Supreme Court in the case of *State of Maharashtra Vs. Tapas D. Neogy Judgment dated 16/09/1999* relied on by the informant. In the said ruling, the Hon'ble Supreme Court has explained scope of Section 102 of the Code of Criminal Procedure, 1973.

06. Accused seen to have been charge-sheeted for the commission of offences punishable under Sections 199, 200,

417, 420, 467, 468 of the Indian Penal Code, 1860. Careful reading of the final report and supplementary charge-sheet prima-facie show that, the accused in furtherance of their common intention sold another land, which was not selected by the informant.

07. Basically, directing freezing of the bank accounts of the accused is a drastic step. In the present matter, in spite of filing the supplementary charge-sheet the investigating officer has not thought fit to freeze bank accounts of the accused. The informant has not explained as to how the accused are using their financial resources for doing the illegal activities. Documents filed by the informant shows that, the accused have paid penalty amount for the violation of Fragmentation Act. Only on the basis of apprehensions and without strong foundation prayer made by the informant can not be taken into consideration.

08. In the present set of facts and circumstances, in my opinion the present application being devoid of merits, needs to be rejected. Consequently, the application (Exh.50) stands rejected.

Place : Roha.
Date : 23.09.2024.

(S. S. Mahale)
Judicial Magistrate First Class,
Roha-Raigad.

CERTIFICATE

I affirm that the contents of this PDF file order are same word to word as per the original Judgment or Order.

Name of the stenographer :- V. S. Patil -III.

Name of the Court :- C.J.J.D. & J.M.F.C. Roha,

Judgment / Order dictated on :- 23.09.2024.

Judgment / Order delivered on :- 23.09.2024.

Judgment / Order signed on :- 23.09.2024.

Judgment / Order uploaded on :- 24.09.2024.