



CNR No. MHSI070000262026
Order passed below Exh. No.08
in Crim.M.A.No. 06/2026

The present application has been filed by the applicant, namely Amol Amrut Kadam, seeking a direction to implead him as a party to the present proceedings, as he intends to file his say on record.

2. It is the contention of the third party applicant, Amol Amrut Kadam, that the applicant Sukhda Kode, by giving false and misleading information, is attempting to reverse an entry from his bank account. The third party applicant submits that despite being a necessary party, he has not been joined in the present proceedings.

3. It is further contended that an amount of ₹6,00,000/- was deposited in his bank account on 3.11.2025 and 4.11.2025 through RTGS. The said amount was transferred in relation to a property purchased by the husband of the applicant, Sukhda Kode, at Devbagh. According to the applicant, he has been intentionally kept out of the proceedings. Therefore, he contends that he must be impleaded as a party in the present case.

4. The said application is resisted by the applicant Sukhda Kode by filing a reply at Exh. 9. It is the contention of Sukhda Kode that the application under consideration is false and frivolous. It is submitted that she is under no

obligation to pay any amount to the third-party applicant. It is further contended that the sale transaction referred to by the third-party applicant was executed between the husband of the applicant Sukhda Kode and Alka Rawal, SwapnilKumar Pawar, and Suvarna Kohli. The total consideration of the said transaction was ₹20,00,000/-, which was paid by demand draft. No amount remained unpaid.

5. It is further contended that there was no requirement to pay any additional amount to the third party applicant. The amount of ₹6,00,000/- was inadvertently transferred to a bank account. It is further submitted that the person in whose account the amount was transferred is not the same person who has filed the present application. According to the applicant, the third party present applicant is taking undue advantage of a similarity in name. On these grounds, it is prayed to reject the application.

6. Perused record. Heard both sides.

7. In the present case, the applicant Sukhda is seeking transfer of an amount from the bank account of a third-party applicant, namely Amol Kadam, whose account has been frozen by the Cyber Police. The applicant Sukhada is claiming a right over an amount lying in the bank account of a third party. In such circumstances, it is appropriate to refer to the decision of the Hon'ble

Karnataka High Court in ***Rahul Chari and Others v. State of Karnataka and Others 2022 SCC OnLine Kar 1967***, wherein it has been held and directed as follows:

“18. This Court is coming across scores and scores of cases where the account is frozen, defrozen and the amount that the complainant is due from a suspect or an accused is transferred to the account of the complainant from the account of third parties which action is contrary to all cannons of law. It has therefore, become necessary for this Court to direct the learned Magistrates that while dealing with applications under Sections 451 and 457 of the Cr.P.C., particularly in cases where it involves intermediaries like the petitioners, to hear those intermediaries and then direct transfer of the amount, and not allow the application filed under Sections 451 and 457 of the Cr.P.C in a casual manner.

19. The learned Magistrates are required to note that they are dealing with the properties of third parties. Decision on an application under Sections 451 and 457 Cr.P.C. cannot become a frolicsome act on the part of the learned C.R.I.M.A. NO.2450/2024 3 Order, below Exh.1 Magistrates merely because it is subject to indemnity. It is not the question of security but it is the question of right to property of an individual, from whose account the money is transferred without any information to him. Therefore, the learned Magistrates while considering the applications of the kind shall notice the following:

(a) Whether the accused has been identified by the Investigating Officer?

(b) Whether the account of the accused is identified by the Investigating Officer?

(c) If the rival claimant is not an accused, whether intimation is given to the account holder, from whose account the money is sought to be transferred to the account of the complainant and such order of transfer of amount from the particular account shall only be after hearing the person, from whose account the money is sought to be transferred to the account of the complainant, before its transfer.”

8. In view of the guidelines laid down in ***Rahul Chari (supra)***, it is necessary to grant an opportunity of hearing to the applicant Amol Kadam, from whose bank account the applicant Sukhda is claiming the amount. It is not the case of the applicant Sukhda that she was deceived by the third-party applicant Amol Kadam for transferring the said amount to his bank account. The record shows that the applicant Sukhda voluntarily transferred the amount to the bank account of the third-party applicant. This is not a case of fraud or cyber scam in which the applicant Sukhda fell victim.

9. The contention of the applicant Sukhda that the third-party applicant Amol Kadam, who has appeared before the Court, is not the same person in whose account the amount was deposited, cannot be considered at this stage. The applicant Sukhda has not placed any material on record to show who, according to her, is the real Amol

Kadam. Whether the third-party applicant Amol Kadam has any right over the amount is a matter to be decided after granting him an opportunity of being heard. Therefore, in the interest of justice, the application deserves to be allowed. Hence, the following order is passed:

<u>ORDER</u>	
1.	The application Exh. 08 is allowed.
2.	The applicant Sukhda is directed to implead the third-party applicant Amol Amrut Kadam as a party to the proceedings.
3.	Upon being impleaded, the third-party applicant Amol Amrut Kadam shall file his say on record.
	Pronounced and dictated in open Court.)

Place : Malvan
Date : 06/02/2026

Sd/-
M.K.Fakih
Judicial Magistrate F. C., Malvan.