



CNR No. MHSI070000262026
Order passed below Exh. No. 1
in Crim.M.A.No.06/2026

The present application has been filed under Section 503 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for return of property, namely an amount of ₹6,00,000/- (Rupees Six Lakhs only), which has been seized by the Cyber Police from the account of respondent No.2 bearing Account No. 635601002376.

2. The applicant's husband, Shri Rohan Subhash Kode, filed a complaint on the National Cyber Crime Report Portal. An amount of ₹6,00,000/- (Rupees Six Lakhs only), which belonged to the applicant's business and was transferred to the account of Shri Amol Amrit Kadam, has been frozen in his ICICI Bank account at Kavthe Mahankal. The applicant states that the freezing of this amount has caused serious financial loss and hardship, as it is important for her business and for her children's education. The applicant has therefore filed this application seeking release of the said amount. She undertakes to comply with any conditions imposed by the Court and is ready to redeposit the amount if directed. Hence, she prayed to allow the application.

3. Respondent No.1 Achra Police Station has filed its say at Exh. 4. It is submitted that Shri. Rohan Subhash Kode, transferred ₹6,00,000/- (Rupees Six Lakhs only) on 03.11.2025

from his wife's account to the account of Shri Amol Amrit Kadam for a land transaction. After the transfer, Shri Amol Amrit Kadam did not answer calls or reply to messages. The applicant suspected cheating and filed a complaint on the National Cyber Crime Report Portal on 05.11.2025. The complaint was sent to Achra Police Station for investigation. During the investigation, the said amount was found and frozen in Account No. 635601002376 by ICICI Bank. Police station has no objection to release the said amount and for depositing it into the account of Mrs. Sukhda Rohan Kode.

4. The learned APP has filed a reply at Exh. 5. It is stated that the prosecution has no objection to the transfer of the said amount to the account of the applicant, subject to certain terms and conditions.

5. Respondent No. 2 resisted the application by filing say Exh. 19. He submits that the present application is false and not maintainable. The applicant has not filed any complaint in her own name on the National Cyber Crime Report Portal. Therefore, the application cannot be entertained. It is admitted that the applicant's husband filed a complaint and that ₹6,00,000/- (Rupees Six Lakhs only) was transferred to the account of Respondent No. 2 and later frozen by ICICI Bank. However, it is denied that the amount belongs to the applicant's business. It is

also denied that the applicant has suffered any loss. The applicant has not disclosed the true facts or the reason for the transfer.

6. Respondent No.2 further states that the amount was part of a land transaction. The applicant's husband had agreed to purchase land for ₹28,00,000/- (Rupees Twenty-Eight Lakhs only). Out of this amount, ₹6,00,000/- was paid to respondent No. 2. This payment was part of the agreed consideration. The complaint was filed with dishonest intention to avoid payment. The bank account of respondent No. 2 was wrongly frozen, causing financial loss. Necessary parties have not been joined. This Court has no jurisdiction. Lastly he prayed to reject the application.

7. Perused record. Heard both sides.

8. The present application is based on the complaint filed by the applicant's husband on the National Cyber Crime Report Portal bearing No. 21911250120877. After registration of the complaint, the bank account of respondent No. 2, in which ₹6,00,000/- (Rupees Six Lakhs only) had been transferred, was frozen by the Cyber Cell. However, the applicant has not stated anywhere in her application the reason for transferring the said amount to the account of respondent No. 2. It is not the case of

the applicant that she was a victim of any cyber fraud or online scam.

9. It is not the case of the applicant that she was deceived or induced by respondent No. 2 to deposit an amount of ₹6,00,000/- in his account. Even assuming that such is the case of the applicant, the application is surprisingly silent as to the manner in which respondent No. 2 deceived or induced the applicant to transfer the said amount. This shows that the applicant has not approached the Court with clean hands and has suppressed material facts.

10. Prima facie it appears that there was a land transaction between the applicant's husband and respondent No. 2. Respondent No. 2 claims that land was agreed to be sold for ₹28,00,000/- (Rupees Twenty-Eight Lakhs only). Out of this, ₹20,00,000/- was to be paid to the landowner and ₹8,00,000/- to respondent No. 2. The same has been revealed from the say filed by Achra Police Station at Exh.4 that land transaction had taken place between the applicant's husband and respondent No. 2. This material fact was concealed by the applicant.

11. The amount of ₹6,00,000/- was transferred in two RTGS transactions of ₹3,00,000/- each on 03.11.2025 and 04.11.2025. RTGS transactions require a formal banking process

and the amount is credited within a few hours. This shows that the transfer was made knowingly and voluntarily. The complaint with the cyber cell was logged on 7.11.2025 i.e. after three to four days. No explanation is given for this delay. It is not the case of the applicant that on 07.11.2025 she came to know that an amount of ₹6,00,000/- (Rupees Six Lakhs only) had been transferred from her account.

12. The WhatsApp chats placed on record also show that the account details of respondent No. 2 were shared and the amount was transferred voluntarily. At this stage, certificate under Section 63(4) of the BSA,2023 is not required, as the Court is only considering a prima facie case and not deciding the case after taking evidence. Moreover, the applicant has not produced any contemporaneous WhatsApp chats to support her case. Therefore, there is no prima facie reason to disregard the WhatsApp chats produced by respondent No. 2 or to refuse to rely on them.

13. Therefore, prima facie, it does not appear that the applicant was cheated or was a victim of any cyber fraud. The dispute appears to be of a civil nature arising out of a land transaction. The applicant has attempted to give it the colour of a cyber crime to recover the amount. In view of the above facts and circumstances, the present application is devoid of merit.

Accordingly, the application is liable to be rejected. Hence following order,

	<u>ORDER</u>
	Criminal Misc. Application No. 06/2026 is rejected.
	(Pronounced and dictated in open Court.)

Place : Malvan
Date : 24/04/2026

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