Regular Criminal Case No. 28/2014.
(Order Below Exh. 304)

(1). Read application and say of prosecution. Heard advocates for both parties at length.

(2). This application is filed by accused No. 2 Ashok Subrao Matkari for releasing his saving accounts which are sealed and seized by the investigating officer in Crime no. 215/2013 registered at Tasgaon police station or for permission to withdraw amount of Rs.60,000/- from his said accounts.

(3). According to applicant-accused, he has saving accounts with Sangli District Central Co-operative Bank Ltd., Branch Amanapur and Branch Vasagade. During investigation of crime, the investigating officer has seized said accounts. Now, Rs.60,000/- is required to him for operation of his mother. Hence, the application.

(4). This application is resisted by the learned A.P.P. and investigating officer by filing their say at Exh. 308 and 309 respectively. According to them, charge is framed against the accused persons under sections 420, 467, 468 and 471 r/w. 34 of the Indian Penal Code. Hearing of the case is in progress, therefore, till conclusion of trial it is not proper to release the seized amounts. The applicant-accused and other accused persons committed very serious crime of cheating to unemployed youths. Hence, they prayed to reject the application.

(5). In support of this application, the applicant-accused has filed certified of Dr. Manojkumar Ingalkar, wherein Doctor certified that Sushila, the mother of applicant-accused is suffering from IPD with knee problem and needs to be operated and amount of Rs.60,000/- is required for the said surgery.

(6). In this case charge is framed against applicant-accused and other accused persons for the offences punishable under Sections 420, 467, 468 and 471 r.w. 34 of the Indian Penal Code vide Exh. 97. The trail is in progress and as of now the prosecution has examined 20 witnesses. As per prosecution case, applicant-accused and other accused persons have cheated informant and prosecution witnesses i.e. unemployed youths by preparing false and forged document in respect of recruitment in Railway Department and extracted amount of Rs.1,44,65,000/- from them. Further, the facts came on record the accused persons were running false training center to cheat the prosecution witnesses. Further, it is alleged by the prosecution that applicant-accused involved in collecting money from prosecution witness for giving job to them in Railway department and some of the prosecution witnesses have deposed accordingly in their evidence. In these circumstances, the possibility cannot be ruled out that the balance amount in savings accounts of accused might be collected from victims. Though applicant-accused is asking amount for operation of his mother, sympathy towards him mean lack of sympathy for prosecution witnesses / victims. In the name of human approach for the applicant-accused Court cannot exhibit lack of sensitivity for the feelings and sentiments of the weeping victims.

(6). In view of all above discussions, the application is liable to be rejected. Hence, the order.

O R D E R

The application is rejected.

Sd/-xxx
(A. A. Chendke)
JUDICIAL MAGISTRATE, FIRST CLASS,
TASGAON.

TASGAON.
Date: 23rd June 2016.