

ORDER BELOW EXH.1 IN CRI.M.A.NO. 33/2026.
(CNR No.MHST-07000829-2026.)

Akshay Eknath Thorat	---	Applicant.
Vs.		
State of Maharashtra through Karad Taluka Police Station.	---	Opponent.

The application is filed under Section 503 of the *Bhartiya Nagrik Suraksha Sanhita, 2023*, for the delivery of interim custody of the seized amount of Rs.5,900/- (Rupees Five Thousand Nine Hundred Only) (hereinafter referred to as "the seized amount"). The application is supported by an affidavit. The say of the learned A.P.P and the police machinery was called.

2. Learned Advocate Shri. S.J. Nikam representing the applicant, submitted that the applicant is the owner of the said amount. The applicant is victim and was cheated by the accused. He is in need of the amount. Hence, it is prayed that the application be allowed. On the other hand, the learned A.P.P submitted that a necessary order be passed. The P.I. Karad Tuluka Police Station has stated that he has no objection.

3. The application, say, and documents have been perused. Both sides were heard. The non-applicant has not disputed the ownership of the applicant over the amount. The applicant has placed on record a copy of the complaint registered on the online portal of Cyber Crime Branch, Satara, Account extract of applicant and copy of the Aadhaar card of the applicant.

4. The complaint was lodged by the applicant. It is alleged that the applicant transferred an amount of Rs. 5,900/- into the account of accused. However, the applicant cheated by the said person. Therefore, the applicant lodged a complaint with the Cyber Cell. Thereafter, the Cyber police froze the amount of Rs. 5,900/- lying in the account of the said person. The acknowledgment number is 31905250074807. Hence, the applicant has prayed for the return of the said amount by unfreezing the account.

5. *Prima facie*, the applicant lodged a complaint with the Cyber Cell. As per the said complaint, an amount of Rs. 5,900/- was frozen by the Cyber Cell. The said amount is not claimed by anybody. The Karad Taluka Police Station has no objection to handing over the amount to the applicant subject to terms and conditions. The learned A.P.P. also submitted that a necessary order be passed. It appears that the applicant is the owner of the seized amount. If the said amount continues to remain frozen in the account, the possibility of its misuse cannot be ruled out.

6. Therefore, considering the observations of the Hon'ble Supreme Court in *Sunderbhai Ambalal Desai Vs. State of Gujarat* [2002 (10) SCC 283] and for the reasons stated above, I conclude that interim custody of the seized amount should be granted to the applicant, subject to certain conditions and upon obtaining a proper Supurtnama. Hence, the following order is passed.

ORDER

- i) The application is allowed.
- ii) The amount of Rs.5,900/- (Rupees Five Thousand Nine Hundred Only), frozen by the Cyber Cell, be transferred to the account of the applicant, upon execution of an indemnity bond of Rs. 5,900/- with an undertaking to produce the said amount before the Court as and when called for, and to abide by further orders of the Court.
- iii) The P.I., Karad Taluka Police Station, shall prepare a detailed panchanama and shall file the panchanama in the related criminal case.
- iv) The present proceedings and panchanama shall form part of the charge-sheet/criminal case, if any.
- v) Issue writ to the concerned P. I. Karad Taluka Police Station.

Place :- Karad.

(Smt. A.V. Mohite)

Date :- 13/03/2026.

3rd Judicial Magistrate First Class, Karad.

Tal. Karad, Dist. Satara.