

MHWS070009502026



**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
AT KARANJA (LAD), DIST.- WASHIM**

Cri. M. A. 67/2026

ORDER BELOW EXHIBIT 01

This is an application filed under Section 503 of Bharatiya Nagarik Suraksha Sanhita (in short BNSS) for seeking interim custody of an amount of ₹ 32,719.70/- (₹ Thirty Two Thousands Seven Hundred Nineteen and Seventy paise only) froze/ put on hold by Karanja City Police Station, Dist.- Washim in respect of online financial fraud, complaint acknowledgment No. 31905260093076 dated 06.05.2026.

02. Read the application and say of I. O. at Exh- 05 and 06. Ld. A.P.P. has also filed say at Exh- 07. I have considered the same. Heard Ld. Advocate for the applicant. Heard Ld. A.P.P.

03. It is stated that, on 05.05.2026 applicant received phone update message on his mobile phone. Therefore, he installed phone update in his mobile phone. Thereafter, two times amounts of ₹ 30, 000/- each, total ₹ 60, 000/- (total ₹ Sixty Thousands only) through Google pay 04708100004120, transaction ID No. 649173176529 and 649154194080 has deducted from his bank account maintained with Bank of Badoda,

Branch Karanja. After it applicant realized that, online financial fraud has been committed against him. Therefore, on 06.05.2026 he lodged report with Karanja City Police Station, Dist.- Washim for the alleged incident/online transactions vide complaint acknowledgment No. 31905260093076. Thereafter, during interrogation Karanja City Police Station, Dist.- Washim has frozen/put on hold an amount of ₹ 32,719.70/- (₹ Thirty Two Thousands Seven Hundred Nineteen and Seventy paise only). Applicant stated that, he is entitled for the custody of said frozen/put on hold amount. He is ready to abide the conditions imposed while granting the application.

04. Investigating Officer in his say has submitted that, through NCCRP an amount of ₹ 22,701/- (₹ Twenty Two Thousands Seven Hundred and One only) has put on hold and given his no objection to release interim custody of said frozen/put on hold amount to the applicant. Further he submitted that, an amount of ₹ 11,143.50/- (₹ Eleven Thousands One Hundred Forty Three and Fifty paise only) is showing as disputed amount and the process is pending against said amount.

05. Learned APP submitted that, an amount of ₹ 22,701/- (₹ Twenty Two Thousands Seven Hundred and One only) is put on hold by concerned banks. Therefore, verification of documents along with online entries of the transaction in respect of alleged online fraud and say of concerned banks, where the amounts are froze, are necessary. Also it is necessary to direct the I. O. to

prepare detail panchanama and to collect necessary documents of the transaction along with online entries. Hence, he prayed to pass an appropriate order.

06. Thereafter, applicant filed pursis Exh- 08 that, though in application an amount of ₹ 32,719.70/- (₹ Thirty Two Thousands Seven Hundred Nineteen and Seventy paise only) has mentioned; but considering say of Investigating Officer he is claiming ₹ 22,701/- (₹ Twenty Two Thousands Seven Hundred and One only).

07. In this context, it is just and proper to decide this application as per direction of the Hon'ble Supreme Court in case ***Sunderbhai Ambalal Desai And C. M. vs State Of Gujarat (AIR 2003 SC 638)*** thus :

"Valuable Articles and Currency Notes

11. With regard to valuable articles, such as, golden or silver ornaments or articles studded with precious stones, it is submitted that it is of no use to keep such articles in police custody for years till the trial is over. In our view, this submission requires to be accepted. In such cases, Magistrate should pass appropriate orders as contemplated under Section 451 Cr.P.C. at the earliest.

12. For this purpose, if material on record

indicates that such articles belong to the complainant at whose house theft, robbery or dacoity has taken place, then seized articles be handed over to the complainant after:--

(1) preparing detailed proper panchnama of such articles;

(2) taking photographs of such articles and a bond that such articles would be produced if required at the time of trial; and

(3) after taking proper security.

13. For this purpose, the Court may follow the procedure of recording such evidence, as it thinks necessary, as provided under Section 451 Cr.P.C. The bond and security should be taken so as to prevent the evidence being lost, altered or destroyed. The Court should see that photographs of such articles are attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Still however, it would be the function of the Court under Section 451 Cr.P.C. to impose any other appropriate condition.

14. In case, where such articles are not handed over either to the complainant or to the person from whom such articles are seized or to its claimant, then the Court may

direct that such articles be kept in bank lockers. Similarly, if articles are required to kept in police custody, it would be open to the SHO after preparing proper panchnama to keep such articles in a bank locker. In any case, such articles should be produced before the Magistrate within a week of their seizure. If required, the Court may direct that such articles be handed over back to the Investigating Officer for further investigation and identification. However, in no set of circumstances, the Investigating Officer should keep such articles in custody for a longer period for the purpose of investigation and identification. For currency notes, similar procedure can be followed."

08. It appears from say of Investigation Officer that, during interrogation an amount of ₹ 22,701/- (₹ Twenty Two Thousands Seven Hundred and One only) has frozen/ put on hold through NCCPRC by the Karanja City Police Station, Dist. - Washim. Applicant in support of his contentions filed copy of complaint filed with Karanja City Police Station, Dist.- Washim. Say of Investigation Officer show that, aforesaid amount is put on hold/ froze in various banks in parts. Also in his say he has given details about said Bank entries.

09. *Prima facie* these documents show that, total an amount of ₹ 22,701/- (₹ Twenty Two Thousands Seven Hundred and One only) has frozen/ put on hold in various banks' accounts as shown in say of Investigation Officer. As against this till today nobody has claimed said amount instead of knowledge of put on hold of said amount by concerned banks. Therefore, due weight has to be given to the claim of the applicant.

10. Thus, in view of the aforesaid factual and legal position, in my considered view, the applicant is entitled for interim custody of above froze/ put on hold amount.

11. Hence, the order.

ORDER

1. Application is allowed.
2. In-charge Police Officer of Karanja City Police Station, Dist.- Washim is directed to release the muddemal, amount of ₹ 22,701/- (₹ Twenty Two Thousands Seven Hundred and One only), frozen/ put on hold in online complaint acknowledgment No. 31905260093076 dated 06.05.2026, in favour of the applicant **Mohammad Shahejad Shaikh Abdulla** after executing indemnity bond of ₹ 25, 000/- (₹ Twenty Five Thousands only).
3. The Investigation Officer shall prepare the necessary panchanama while releasing the amount in favour of

applicant.

4. Concerned Banks who put on hold the amounts shall release the aforesaid frozen/ put on hold amounts in their aforesaid respective accounts, in favour of applicant after compliance of due bank procedure.
5. The applicant shall undertake that he will compensate any claim made by any person in future about the said amount.
6. Investigation Officer is directed to file Supurtnama along with charge-sheet/ final report.
7. Issue Writ to the concerned police station accordingly.

Date :03.06.2026

(P. D. Deore)
Judicial Magistrate First Class,
(Court No. 2), Karanja (Lad)

<u>CERTIFICATE</u>		
I affirm that the contents of this P.D.F file Judgment/ Order are same word to word as per the original order.		
Name of Steno.	:-	Shivam B. Patange (L.G.)
Court Name	:-	Jt. Civil Judge (Jr.Dn.) and J.M.F.C., Karanja. Dist. Washim.
Date	:-	03.06.2026
Typed on	:-	03.06.2026
Checked on	:-	03.06.2026
Order signed by the presiding officer on	:-	03.06.2026
Order uploaded on	:-	03.06.2026