


MHWS100014822020 	ORDER BELOW EXH.105 RCC No.204/2020 State of Maharashtra VS. Krushna Dadarao Deshmukh & Ors. Passed on 19th September, 2024
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01] This is an application filed by accused No.2 for permission to withdraw an amount and defreeze the account maintaining in the State Bank of India, Branch - Treasury Washim, District Washim.

02] It is the contention of accused No.2 that, he was in Magistrate Custody Remand (in short "MCR") near about twenty seven months. His bank Account No.32122615454 has been freezed by the Investigating Officer in relation to investigation in the Crime No.239/2019. He has Rs.10,000/- (In words- Ten Thousand Rupees only) in his account. The amount needs for commencing the business of Bakery products. He had taken training in his Magistrate custody power. Therefore, the amount of Rs.10,000/- needs for commencing the business. Further, it is also prayed to defreeze the account.

03] The learned APP has submitted his say and opposed the application on the ground that, defreeze the account and the amount is substantial evidence during trial. Hence, prayed to reject the application. The Investigating Officer has filed his say at Exh.116 and submitted that, there is strong evidence against the accused. His involvement in the said offence is corroborated by the documentary evidence. Therefore, the amount lying in the account be freezed and except this account permission may kindly be granted to defreeze the account.

04] Perused the record. On perusal of the charge-sheet it appears that, huge transactions have been made by accused No.2. It is the allegation that, the amount lying in the account is the public money. The charge-sheet is filed against the accused. The accused is arrested on 27.08.2020. The statement of the account from 2016 shows the transactions in respect of alleged offence. If the alleged amount is the public money then permission cannot be granted to the accused for his personal use or for his livelihood. The amount lying in the bank account create suspicion about the commission of crime. If the amount is given to the accused then it will against the conflicting interests of the informant and other persons huge amount has been duped by the accused. The objection of the investigating officer is regarding the amount freezed in the account. There is no objection to defreeze the account.

05] The Ld. Advocate for the applicant/accused No.2 filed the letter issued by the investigating officer to the Branch Manager, State Bank of Indian, Branch Treasury, Washim which also shows that, the amount freeze during investigation shall not be given to the accused. For the transaction purpose there is no objection to use the account, except the amount freezed.

06] The say of IO. is called regarding the information of the alleged Bank account from the concerned bank. The Exh.129 filed by the I.O. and the Exh.130 letter of the bank to the investigating officer shows that Rs.10,369 (In words - Ten Thousand Three Hundred and Sixty Nine Rupees only) has been stopped on 13.03.2020. The interest credited to the account every quarter and the balance

outstanding amount is Rs.11002/- (In words – Eleven Thousand and Two Rupees only).

07] The accused No.2 is present in the court. He has submitted that, he is typist in the Washim Bar Association. He is ready to give undertaking that he will deposit the money as and when called out by the Court.

08] Perusal of the charge-sheet reveals that public money is involved in this case. The accused has not shown why this account is required for his defreeze. Further, there is no document on record which shows he has undergone the training in Magistrate custody for his proposed business. Hence, considering the allegations if such permission is granted then there is possibility that he may use the same. In such circumstances, permission can not be granted to the defreeze the account and to withdraw an amount lying in the concerned account. Thus, following order :-

ORDER

1. Application is rejected.
2. Dictated and pronounced in the open court.

Place : Malegaon
Date : 19.09.2024

[Pravin U.Kulkarni]
J.M.F.C. (Court No.2) Malegaon
Distt.Washim.

CERTIFICATE

I affirm that, contents of this PDF file is same word to word, as per original Order :-

1	Name of the Stenographer	:-	Shri. Shivam B. Patange (LG)
2	Court Name	:-	Jt. C.J.J.D. & J.M.F.C., Malegaon
3	Date of Dictation	:-	19.09.2024
4	Date of Transcription	:-	19.09.2024
5	Date of Checking	:-	20.09.2024
6	Date of Signature	:-	20.09.2024
7	Date of Uploading	:-	20.09.2024