

MA No. 371/2025

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IN THE COURT OF SPECIAL JUDGE, C.B.I. AT GREATER BOMBAY

MISCELLANEOUS APPLICATION NO.371 OF 2025

(CNR. NO. MHCC02-004029-2025)

IN

[RC No. 026 2024 A0046 Dt. 17.12.2024]

Sumanlata Chanderpal Singh Chauhan

Age.51 Yrs. Occ. Business

Flat No.1101/524 A, Jay Shanti, Building,

R.P. Masani Road, Behind Customs Quarters,

Near VJTI College,

Matunga CR,Mumbai-400 019.

.. Applicant.

V E R S U S

Central Bureau of Investigation,

Block – G, BKC Near MTNL

Behind Citi Bank, 9<sup>th</sup> floor,

Mumbai.

.. Respondent

**Appearance :-**

Ld. Advocate Mr. Rahul Agarwal for the Applicant.

Ld. PP. Mr. Nidheesh T.P. for C.B.I./Respondent.

**CORAM: SPECIAL JUDGE**

**S.M.Menjoge**

**(Court Room No. 50)**

**DATE : 3<sup>rd</sup> May, 2025.**

**ORDER**

1. The applicant- Mrs. Sumanlata W/o. Chanderpal Singh Chauhan has filed this application under Section 503, 106 of BNNS and Section 18 A of P.C.Act, Section 3,4, and 5 of Criminal Law Amendment Ordinance for complete defreezing the Account No. 50100229335955 of the applicant with HDFC Bank, Dadar Branch, Mumbai.

2. Applicant submitted that she is wife of accused No.1 was arrested on 17.12.2024 and produced before this Court on very next day i.e. 18.12.2024. It is her contention that her husband i.e Accused No.1 was immediately released from custody as there was violation of S.41 (d) of old Cr.PC or sec.35 of New BNNS 2023. It is the request of the applicant accused that her bank account with HDFC Bank Dadar branch is freezed by Investigating officer and hence, she is unable to pay her installments of flat maintenance, car loan etc. It is against the law and amended rules. Hence, applicant prayed that her account be defreezed completely by this Court as she is unable to pay and meet day to day expenses.

3. This application is strongly opposed by CBI on the grounds that, applicant's husband was working as Joint Development Commissioner SEEPZ-SEZ Andheri, East, Mumbai has accepted many bribe amounts in connivance of other officers and even private persons. And hence, it is submitted that present account is not seized/freezed but bank is directed to maintain balance in above account as on 18.12.2024 so that applicant or her accused husband cannot enjoy the same. Therefore, according to CBI there is no restriction on withdrawing the amount from said account deposited after 18.12.2024. CBI is also investigating the complaint from the angle of disproportionate assets collected by her husband and Investigation is still going on.

4. Moreover, this applicant had filed similar kind of application for defreezing her account vide Cri.M.A. No. 56/2025 and was rejected by this Court on 15.2.2025. There is no challenge to said order till date and hence, this second application for same relief is not maintainable. Thus, CBI prayed for rejection of application.

5. Applicant relied upon following judgments ...

A] CBI ..Vs..Yamnam Sharat Meitei MANU/ MN/0004/ 2022

B] Ratan Babulal Lath Vs State of Karnataka MANU/SC/0612/ 2021

C] State of Tamil Nadu Vs K.Shyam Sunder & Ors.(2011) 8 SCC 737

D] Lal Chandra Agrawal Vs. State of U.P 2011(1)ADJ 785.

and submitted that in above judgments it is held by Hon'ble High Court and Apex Court that police has no powers to seize the bank account under section 102 of Cr.P.C.

6. Applicant further submitted that she is ready to give undertaking before the Court that she will deposit the said amount if directed by Court. Hence, applicant prayed for release/defreeze the bank account.

7. It is very clear that applicant is entitled to withdraw the amount deposited in the said account after 18.12.2024 and therefore, her oral argument that she is unable to withdraw the amount whatsoever, it may be, from the said account is absolutely incorrect. Mere releasing of her accused-husband for breach of section 41 (d) of old Cr.P.C. or 35 of BNNS, 2023 does not permit her to apply for such application. She may open another account and get money deposited in the same.

8. In her earlier application which was decided on 15.2.2025, applicant had filed on record the copy of electronic statement of her account. It shows that on 17.12.2024 Rs.51,47,704/- were available. There is no transaction till 19.12.2024 in the said account. It means Rs.51,47,704/- were in her account as on 18.12.2024. Thereafter, on 19.12.2024 total Rs. 45,000/- were withdrawn through ATM. ( Rs.15,000 X 3 times). As on 01.01.2025 Rs.53,41,658/- are at

balance.

9. It is means it was not freezed as mentioned in the application and amount is being deposited in the same even after 18.12.2024. Not only this, CBI has clearly stated in its reply that aforesaid account is not freezed and only bank is directed to maintain balance in account as on 18.12.2024.

10. Investigating officer has only directed the bank to maintain the amount in the account of applicant as on 18.12.2024 and hence, she is entitled to withdraw the amount deposited in the account after 18.12.2024. No prejudice would be caused to her by this. Investigation is still going on and hence, no conclusion can be drawn at this stage whether freezing of account of applicant accused is correct or not. It is prima facie appearing that CBI is investing the case from the angle of disproportionate assets also. It is also not clear what is source of her income as huge amount is lying in her account as on 18.12.2024. No document is filed in that respect. Hence, such application cannot be allowed pending investigation. Moreover, both husband and wife filed two separate applications showing that they want to meet expenses which are common in both applications. I find substance in the argument of Ld.PP. Nidheesh T.P. that if whole amount is allowed to be withdrawn then it would be difficult to recover the same at the time of conclusion of trial. However, to reduce the hardships and to meet daily expenses, following order was passed in her earlier M.A. No.58/2025.

### **ORDER**

1. Misc.Application No. 58/2025 is hereby disposed of with

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direction that the amount deposited in account of applicant Mrs. Sumanlata W/o. Chanderpal Singh Chauhan having Account No. 50100229335955 with HDFC Bank, Dadar Branch, Mumbai after 18.12.2024 be allowed her to withdraw and balance as on 18.12.2024 be maintained in her account till further order in the case.

S/d

(S.M.Menjoge)  
C.B.I. Special Judge  
City Civil & Sessions Court,  
Gr. Bombay.

Date : 15.02.2025

11. Applicant has not challenged the above order till date but preferred to file this second application. Grounds which are raised in this application were available at the time of earlier application also. This being Criminal Court, has no power to review or recall its own order as per law settled in case of **Adalatprasad Vs. Rooplal Jindal**. There is no change in circumstances from 15.2.2025 till 7.3.2025 ( i.e. date of E-Filing of this second application). When case was fixed for order on last date, time was sought by applicant advocate but today also he is absent when called. Hence, I pass following order,

**ORDER**

M.A. No.371/2025 is hereby rejected and disposed of accordingly.



Date : 03.05.2025

Directly typed on: 03.05.2025

Signed by P.O. : 03.05.2025

(S.M.Menjoge)  
C.B.I. Special Judge  
City Civil & Sessions Court,  
Gr. Bombay.

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“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL  
SIGNED JUDGMENT/ORDER.”

03.05.2025

UPLOAD DATE AND TIME

Mrs. S.S. Sawant

NAME OF STENOGRAPHER

|                                         |                            |
|-----------------------------------------|----------------------------|
| Name of the Judge (with Court Room No.) | S.M. MENJOGE<br>(CR.No.50) |
| Date of Pronouncement of ORDER          | 03.05.2025                 |
| ORDER signed by P.O. on                 | 03.05.2025                 |
| ORDER uploaded on                       | 03.05.2025                 |