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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 233 OF 2016
WITH
CRIMINAL APPLICATION NO. 166 OF 2016

Anmol Jewellers
Through the Proprietor
Pushpa B. Bhatti and ors.

.. Petitioners

Vs.

State of Maharashtra and ors.

.. Respondents

Mr. Tushar N. Sonawane for petitioners.

Mrs. M. M. Deshmukh, APP for State.

Mr. M. S. Dehlvi i/by Dehlvi and Co. for respondent no.2.

Mr. Ashok P. Shahani a/w K.T. Golani a/w Shalaka D. Waghmare for
applicant in APPW No. 166 of 2016.

CORAM: NARESH H. PATIL &
A. M. BADAR, JJ.

APRIL 28, 2016.

P.C.

1. The petitioners challenge communication dated 7/9/2015 bearing outward No. 13258/2015 issued by the respondent no.1, Senior Police Inspector, Paydhuni Police Station, Mumbai 400 003 to the respondent no.2 bank in respect of freezing the accounts of the petitioner nos.3 and 4 (Exhibit "A").

2. It is submitted by the learned counsel for the petitioners that the police had no authority to freeze the account by exercising power under Section 91 of Cr. P. C. It is further submitted that the petitioners are not accused in the subject crime. Learned counsel for the petitioners submits that the account cannot be freezed for indefinite period. The learned counsel appearing for the intervener submitted that the petitioner nos. 3 and 4 were shown as drivers and amount of Rs.7 lakh was paid to Mahendrakumar Dhanram Mali and Dineshkumar D. Mali as drivers of the vehicles. It is alleged that the record was forged and the system was manipulated to siphon off the money. Learned APP submits that the charge-sheet has been filed against the accused persons and further investigation is going on in the crime to investigate involvement and complicity of the other persons.

3. Prima facie we find that provisions of Section 91 of Cr. P. C. have been wrongly quoted but it seems that the police had passed order by freezing the account of petitioner nos.3 and 4 opened in Punjab National Bank. However, in the peculiar facts and circumstances of the case, we are not inclined to invoke writ jurisdiction. Petitioners may resort to

alternate statutory remedy as permissible in law.

4. Petition is disposed of accordingly.

5. Criminal Application No. 166 of 2016 does not survive and shall stand disposed of.

(A. M. BADAR, J.)

(NARESH H. PATIL, J.)