

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL APPLICATION NO.1908 OF 2017**

- 1) M/s. Adiurja Private Limited,
A Company incorporated under
the Indian Companies Act,
Through its Managing Director,
Mohan s/o Madhav Raut,
Having its registered office at
254/A, N-3, CIDCO, Aurangabad,
- 2) Mohan s/o Mahdav Raut,
Aged about 69 years, Occu:Business,
R/o-254/A, N-3, CIDCO, Aurangabad,
- 3) Mrs. Jyoti w/o Mohan Raut,
Aged about 66 years, Occu:Household
& Business, R/o-254/A, N-3, CIDCO,
Aurangabad,
- 4) Amit s/o Mohan Raut,
Aged about 39 years, Occu:Business,
Presently residing at Germany,
At present in India at 254/A,
N-3, CIDCO, Aurangabad.

...APPLICANTS**VERSUS**

- 1) The State of Maharashtra,
Through Jinsi Police Station,
Aurangabad,
- 2) The Police Inspector,
Economic Offence Wing,
Aurangabad City, Aurangabad.

- 3) Paras s/o Ghevarchand Chajed,
Aged about 71 years, Occu:Business,
R/o- Plot No.25, Gururamdas Nagar,
In front of Saint Fransis School,
Jalna Road, Aurangabad.

...RESPONDENTS

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Mr.V.I. Thole Advocate for Applicants.
Mr.S.Y. Mahajan, Addl. P.P. for Respondent
Nos. 1 & 2.
Mrs. Rashmi. S. Kulkarni Advocate for
Respondent No.3.

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**CORAM: S.S. SHINDE AND
K.K. SONAWANE, JJ.**

DATE : 21ST APRIL, 2017

ORDER :

1. This Application is filed by the Applicants praying therein to set aside the order of freezing or withholding of the accounts of the Applicants of the Union Bank of India in Crime No.103 of 2017 registered with Jinsi Police Station, Aurangabad.

2. Learned counsel appearing for the Applicants submitted that amount which is seized by the Investigating Officer is the amount of

credit facility given by the Bank to the Applicants. If the Applicants are prevented or restrained from operating the said bank accounts, ultimate sufferer will be the concerned bank, which will suffer loss. He submits that such action on the part of the Investigating Officer of freezing or withholding of the accounts during the course of investigation was absolutely unnecessary and unwarranted and it will not serve any purpose. Learned counsel appearing for the Applicants invites our attention to the grounds taken in the Application and submits that the Application deserves to be allowed.

3. On the other hand learned A.P.P. appearing for Respondent Nos.1 and 2, and learned counsel appearing for Respondent No.3, relying upon the investigation papers, the provisions of Section 102 of the Code of Criminal Procedure and also reply filed by Respondent No.3, submits that the concerned Investigating Officer is empowered to seize the bank accounts during the course of

investigation. As long as investigation is in accordance with law, in view of the Judgment of the Supreme Court in the case of **State of Haryana V/s Bhajan Lal¹**, investigation is exclusive domain of the Investigating Officer and nobody can interfere in such investigation including the Courts.

4. We have heard learned counsel appearing for the Applicants, learned A.P.P. appearing for Respondent Nos.1 and 2 and learned counsel appearing for Respondent No.3. Upon perusal of the provisions of Section 102 of the Code of Criminal Procedure, the concerned Investigating Officer is empowered to seize the property including the seizure of the bank accounts. In that view of the matter, what are the consequences of such seizure cannot be considered and such exercise is not desirable under Section 482 of the Code of Criminal Procedure, since it may lead to the adjudication of the disputed question of facts.

¹ AIR 1992 SC 604

5. For the reasons aforesaid, we do not find any substance in the Application. Hence the Criminal Application stands rejected.

[K.K. SONAWANE, J.]

asb/APR17

[S.S. SHINDE, J.]