

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2803 OF 2017

H. D. F. C. Bank Ltd.] ... Petitioner

Versus

State of Maharashtra & Ors.] ... Respondents

Mr. Prathamesh Samant i/b Mr. Vikrant Sabne for Petitioners.
Smt. S. D. Shinde, APP for State – Respondents.

CORAM :- B. P. DHARMADHIKARI &
SARANG V. KOTWAL, JJ.
DATE :- DECEMBER 06, 2018

P. C. :-

1. Heard learned Counsel for the Petitioner and the learned
APP for State – Respondents.

2. Accused by name Amar Khanna @ Sarfaraz Ahsan has an
account with the Petitioner – bank. He has also availed credit facility.
Bank has to recover amount in excess of Rs.11 Lakhs from him.
However, that bank account is attached under Section 102 of the
Cr.P.C. by the Respondent Nos.2 and 3 – police stations. The two

complainants namely Smt. Pooja Sahani and Smt. Deepali Patil have respectively complained to the Respondent Nos.2 and 3 police stations and in that offence, action of attachment has been taken.

3. Learned APP submits that investigation is over and charge-sheet is already presented.

4. Learned Counsel for the Petitioner states that there is no further order as contemplated in Section 105 of the Cr.P.C. and hence the interim attachment under Section 102 cannot survive. Amount available in bank account is enough to satisfy the demand of the Petitioner – bank.

5. We cannot, in this jurisdiction, appreciate the contention of the Petitioner – bank. The Petitioner – bank could have approached the learned Magistrate and sought revocation of attachment by pointing out its lien or other rights on that account. Not only this, the above-mentioned complainants Smt. Pooja Sahani and Smt. Deepali Patil are not parties before this Court.

6. Hence, without observing anything more and with liberty to the Petitioner to take such other steps as are available in law, we dispose of the present petition. No costs.

(SARANG V. KOTWAL, J.)

(B. P. DHARMADHIKARI, J.)