

4. By this petition, the petitioner has impugned the order dated 11th May 2016, passed by the learned Chief Judicial Magistrate, Satara, below Exhibit – 1 in Criminal Miscellaneous Application No.427 of 2015, by which, the learned Judge rejected the petitioner's application seeking defreezing of his bank accounts, as well as the order dated 4th May 2018, passed by the learned Additional Sessions Judge, Satara, in Criminal Revision Application No.71 of 2016, by which, the learned Judge dismissed the petitioner's revision application and as such confirmed the order dated 11th May 2016 passed by the trial Court.

5. Learned Counsel for the petitioner submits that the police of the Satara City have illegally frozen the petitioner's bank accounts with the IDBI Bank; ICICI Bank; ING Vysya (now Kotak Bank); Axis Bank and HDFC Bank at Satara as well as the Fixed Deposit with the Post Office at Satara, without any basis. He submits that there is total non-compliance of the provision of Section 102(3) of the Code of Criminal Procedure ('Cr.P.C'). He submits that till date, the police have not informed the Magistrate, as contemplated under Section 102(3) of Cr.P.C. He submits that even otherwise, the petitioner is not an accused in the said case i.e.

C.R. No.130 of 2012, registered with the Satara City Police Station, Satara. He submits that infact at the relevant time, the petitioner was a student and as such was not concerned with the alleged offence.

6. Learned APP does not dispute the fact, that the petitioner was not an accused in the said case registered with the Satara City Police Station. She also does not dispute the fact, that till date the police have not informed the Magistrate, as mandated under Section 102(3) of Cr.P.C.

7. Perused the papers. According to the prosecution, the petitioner's father - Mahendra Desai was the founder of Shri Laxmi Sahakari Bank Ltd., Sangamnagar (Khed), Satara and the Chairman/Director of the said bank for several years. It is alleged that during the petitioner's father tenure as the Chairman /Director i.e. between 1st April 2007 to 25th June 2009, crores of rupees were misappropriated i.e. about Rs.5 crore by the petitioner's father, other directors, auditor and the Manager of the bank. It appears that there are three cases registered as against the petitioner's father, in connection with the said bank. Admittedly, the petitioner was a student and a minor at the time of the alleged incident

i.e. during the period when the petitioner's father is alleged to have misappropriated money from the bank. Admittedly, the petitioner is not an accused in any of the cases registered against his father and others. It appears that during the course of investigation, five of the petitioner's bank accounts came to be frozen and one fixed deposit with the Post Office at Satara, also came to be frozen. Admittedly, in the present case, sub-section (3) of Section 102 Cr.P.C which mandates that 'every police officer acting under sub-section (1), shall forthwith report the seizure to the Magistrate having jurisdiction' has not been complied with. Infact till date, the investigating officer has not reported the said accounts i.e. freezing of the accounts to the learned Magistrate. This Court in several cases including the case of ***Manish Khandelwal and Others v/s State of Maharashtra***¹ has held that sub-section (3) of Section 102 Cr.P.C is mandatory, inasmuch as, it is incumbent on the police authority to report the accounts so frozen to the Magistrate. Thus, there is clear breach of the said provision.

8. In this view of the matter, all the five bank accounts of the petitioner, as set out hereinabove are defreezed:-

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Sr. No.	Name of the Bank	Account Number
1.	IDBI Bank, Satara	485104000027964
2.	ICICI Bank, Satara	656001501108
3.	ING VYSYA (now Kotak Bank), Satara	647010019035
4.	AXIS Bank, Satara	911010038832271
5.	HDFC Bank, Satara	7901930002174

9. Rule is made absolute on the aforesaid terms. Petition is accordingly disposed of.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.