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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.3873 OF 2022

Tryambak Pandurang Kulkarni ... Petitioner
V/s.
The State of Maharashtra & Anr. ... Respondents

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Ms. Rebecca Gonsalvez for the petitioner.

Mr. R.M. Pethe, APP for respondent no.1/State.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 8, 2022

PC.:

1. In spite of service, respondent no.2 failed to cause appearance.
2. The petitioner is seeking a direction to the respondent no.2 to forthwith release balance FDR amount of Rs. 15,74,774/- credited to account no.1281000100129155.
3. The learned Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai by order dated 5th April 2021 allowed the application of the petitioner to defreeze the bank account of the petitioner. While passing the order, a specific finding has been recorded by the learned Magistrate that the amount of Rs.15,74,774/- has been deposited in this account which is regarding fixed deposit open in the name of the informant.

4. A grievance is, therefore, made that in spite of the order passed by the learned Magistrate, respondent no.2 is refusing to pay the amount to the petitioner.

5. In that view of the matter, the respondent no.2 is directed to forthwith release the balance FDR amount of Rs.15,74,774/- credited to account no.1281000100129155 along with accrued interest thereon.

6. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)