

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO. 1099 OF 2021

Smt. Sunanda Wd/o Vasantrao Mankar and others

...Versus...

State of Maharashtra, through P.S.O. Yashodhara Nagar, Yashodhara Nagar, Nagpur and
others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri P.A. Tendi, Advocate for applicants
Ms M.H. Deshmukh, A.P.P. for non-applicant/State
Shri Mohd. Ateeque, Advocate for non-applicant No.2

CORAM : SUNIL B. SHUKRE & SMT. M.S. JAWALKAR, JJ.

DATE : 19/04/2022

We direct Police Inspector of Yashodhara Nagar Police Station to remain personally present before this Court on the next date so as to explain as to how offence has been registered against the applicants in this matter when this Court recorded a categorical finding in its order dated 06/08/2021 in the earlier round of litigation, which was Writ Petition No. 3306/2020, that the dispute involved between the applicants on one hand and non applicant No.2 on the other was a civil dispute and the competent authority for adjudication of it was the civil Court. After recording of this finding, prima facie, no offence could have been registered against the applicants for receiving the insurance amount. In fact, the applicant No.1 is admittedly a person nominated by deceased Vishal Mankar himself to receive the

amount of insurance and therefore, receiving such an amount by applicant No.1 under the authority of law would not constitute any offence. Prima facie, there is a reason for this Court to believe that the account freezing order dated 02/03/2020 may have been continued to operate further by suppressing material facts from the concerned Court which directed registration of offences against the applicants in exercise of its powers under Section 156(3) of the Code of Criminal Procedure. This is the reason why it is necessary for non applicant No.1 to give his explanation and place on record copy of the application and the documents which led to registration of offences against the applicants.

Stand over after one week i.e. to 27/04/2022.

CRIMINAL APPLICATION (APPP) NO. 279/2022

In the meanwhile, we allow the Criminal Application No. 279/2022 and direct that the account in question be de-frozen forthwith and the account holder i.e. applicant No.1 be permitted to operate the account, which would also include permitting withdrawal of the amounts from the account.

The application is disposed of in these terms.

(JUDGE)

(JUDGE)

Signed By: JAYASHREE SHARAD SHINGNE *Jayashree..*

Signing Date: 19.04.2022 18:05