

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.164 OF 2023

Rupeek Fintech Private Limited

...Applicant

VS.

The State of Maharashtra and Ors.

...Respondents

Mr. Viral Babar a/w. Ms. Nida Khan, for the Applicant.

Mr. S.R. Agarkar, APP for the State.

CORAM : N. J. JAMADAR, J.

DATE : MARCH 12, 2024

P.C.:

1. Heard the learned counsel for the applicant
2. This application is preferred assailing the legality, propriety and correctness of the order dated 6th December, 2021 passed by the learned Metropolitan Magistrate, 32nd Court, Bandra, Mumbai on an application for return of the sum of Rs. 1,04,800/- preferred by the applicant, whereby the said application came to be rejected. The first informant works as a Loan Manager with Rupeek Fintech Private Limited, the applicant herein.
3. The first informant has lodged report that Udit Kore, respondent No. 2 herein, had induced the applicant to advance a gold loan of Rs. 97,153/- by pledging fake gold.
4. It is the contention of the applicant that during the course of investigation, the wife of the applicant had deposited an amount of Rs. 1,04,800/- with the investigating officer. Therefore, the said

amount be paid to the applicant during the pendency of the trial.

5. On the own showing of the applicant, the said amount was not recovered from respondent No. 2/accused either by way of discovery under section 27 of the Evidence Act or in a house search or otherwise. The question as to whether the amount deposited by respondent No. 3 constitutes the property in respect of which the alleged offences were committed, is a matter for adjudication at the trial.

6. The learned Magistrate thus committed no error in rejecting the application.

Hence the application stands rejected.

(N. J. JAMADAR, J.)