



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

CRIMINAL WRIT PETITION NO.548 OF 2024

Mr Buyhatke Internet Private Limited

.vs.

State of Maharashtra, through Cyber Police Station Chhaoni Square, Patel
Bungalow, Sadar and another

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

Mr Abhishek Tripathi, Advocate for the petitioner
Mr C. A. Lokhande, APP for respondent No.1/State
Mr B. H. Tekam, Advocate for respondent No. 2
Mr N. S. Bhat, Advocate for respondent No. 3

CORAM : G.A. SANAP J.

DATE : NOVEMBER 13, 2024

Heard learned Advocates for the parties.

2. In this writ petition, challenge is to the order dated 10.06.2024 passed by the learned Judicial Magistrate First Class, Nagpur. It is evident on perusal of the order that the informant, who is respondent No.2 in this case, is found entitled to get back his amount from the account of Buyhatke Internet Private Limited maintained with Indian Overseas Bank. The principal grievance of the petitioner is that there is no iota of material to establish the trail of entire amount to this account. I have gone through the order. The tabular chart with different columns does not indicate that the entire amount had

come to the account of the petitioner.

3. In view of this, the learned Advocates for the parties submit that the order dated 10.06.2024 may be set aside and the matter be remanded back to the learned Magistrate for deciding it afresh on merit by granting an opportunity to the petitioner of hearing. In my view, the submission is just, proper and reasonable. In view of this, the writ petition is partly allowed.

4. The order dated 10.06.2024 passed by the 19th Judicial Magistrate First Class, Nagpur is set aside.

5. The matter is remitted back to the learned Magistrate for deciding it afresh on merit. The parties are granted the liberty to file the additional pleadings as well as documents.

6. The writ petition stands disposed of accordingly.

(G. A. SANAP, J)