



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

CRIMINAL WRIT PETITION NO. 755 OF 2024

Envevo Remedies a Partnership firm and anr. -Vs-Union of India, Ministry of Home affairs and anr.

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

Court's or Judge's Orders.

Ms.Mahendra Limaye counsel for the petitioner/s.
Mr.N.S.Deshpande, DSGI, for Union of India.

**CORAM VINAY JOSHI &
MRS. VRUSHALI V. JOSHI, JJ.**

DATE : 23rd SEPTEMBER, 2024.

1. Heard.

2. The petitioner No.1 is a partnership firm whilst petitioner No.2 is one of it's partner. The partnership firm is doing the business of supply of pharmaceutical products. The firm has received payment to the tune of Rs.1,26,000/- from it's one of the costumer namely, Singh Paint House on 02.07.2024. Later on, majority of the amount has been transferred in the personal account of the petitioner No.2, who is a partner of petitioner No.1-firm.

3. A complaint was received on 1930 mechanism i.e. Citizen Financial Cyber Frauds Reporting and Management System evolved by Ministry of home affairs. The said complaint was relating to Cyber Fraud to the tune of Rs. 40,50,000/-. In that connection, on

verifying money trail it was noticed by the agency that the disputed transaction pertaining to firm is receipt of Rs.1,20,000/- out of which a disputed amount is Rs.1,14,745/- and for that reason the entire partnership business account as well as personal accounts of the petitioners have been stalled.

4. Prima Facie, it is petitioners case that they have received business dues which has no concern with the so called Cyber fraud. The petitioners have submitted that entire business has been stalled due to freezing of entire accounts. The petitioners clarified that though the partnership account is not seized however, they have freezed sum of Rs.1,26,000/- from the partnership account and permitted to operate. However, the petitioners' private accounts have been seized which has no nexus.

5. Prima facie it appears that the disputed amount is of Rs.1,26,000/- which has already been got secured by putting said amount on hold from the partnership account. In the circumstances, we are felling short to understand why still personal account of petitioners have been sized.

6. Issue notice to the respondent/s, returnable on 27/09/2024.

7. Learned Deputy Solicitor General of India waives service of notice for respondent No.1.

8. The respondents shall satisfy on above aspect by taking necessary instructions or in the meantime, they may release personal accounts of the petitioner.

9. The learned Deputy Solicitor General of India is requested to seek instructions from respondent No.2 on aforesaid aspect and make submission.

JUDGE

JUDGE