



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 928 OF 2025

Syed Ragheb Husaini Azmatullah Hussaini .. Petitioner

Versus

The State Of Maharashtra .. Respondent

Mr. Irfan D. Maniyar, Advocate for the Petitioner.
Smt. Chaitali Choudhari-Kutti, APP for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 12th AUGUST, 2025.

PER COURT :-

. The present petitioner registered a complaint on the Cyber Crime Reporting Portal that an amount of Rs. 59,537/- is transferred by playing fraud from his account maintained in S.B.I. and H.D.F.C. bank to the account of the accused persons. The said account is seized by the investigating officer and the account of the accused is kept on hold. The petitioner filed an application praying for releasing the said amount in his favour. The learned J.M.F.C., Aurangabad rejected the application observing that there is no chain to establish the transfer of the amount from the account of the petitioner to the account of the accused. The

petitioner, therefore, filed revision in the Court of learned Sessions Judge, Aurangabad. The learned Additional Sessions Judge – 10, Aurangabad rejected the revision application by confirming the reasoning of the learned Trial Court.

2. The learned advocate Mr. Maniyar for the petitioner submits that, in fact, the prosecution has clearly given no objection to release the amount and to transfer it to the account of the petitioner, still the learned Court below has rejected the application. He invited attention of this Court to the statement giving transaction ID number and the details of the bank account of the petitioner from which the amount is transferred to the account of the accused persons.

3. This Court finds that, keeping the amount on hold is not in interest of any of the parties. The petitioner is, therefore, allowed to get back his amount on certain conditions. Hence, following order :

ORDER

(i) Criminal writ petition stands allowed.

(ii) An order passed by the learned Additional Sessions Judge-10, Aurangabad dated 06.06.2025 in Criminal Revision Application No. 66/2025 is quashed and set aside. An order passed on Exh. 1 in Criminal Misc. Application No. 262/2025 is also set aside. The said application stands allowed.

(iii) The petitioner to give an undertaking to the learned Trial Court that, in case, need arises and subject to outcome of the criminal proceedings, he shall re-deposit the said amount with the concerned authority within six (06) weeks from such order.

(iv) With this, criminal writ petition stands disposed of.

(KISHORE C. SANT, J.)

PS.B.