



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

909 CRIMINAL WRIT PETITION NO.1539 OF 2025

1. Sandesh S/o. Subhash Zambad,
Age-35 years, Occu-Business,
R/o. N-4, Cidco,
Chhatrapati Sambhajinagar
2. Bhuvan S/o. Subhash Zambad
Age-22 years, Occu-Business,
R/o. N-4, Cidco,
Chhatrapati Sambhajinagar
3. Seema W/o. Subhash Zambad,
Age-58 years, Occu-Household,
R/o. N-4, Cidco,
Chhatrapati Sambhajinagar

...PETITIONERS

VERSUS

1. State of Maharashtra
2. The Commissioner of Police,
Chhatrapati Sambhajinagar
3. Police Inspector,
Economic Offences Wing,
Police Commissioner's Office,
Dr. Babasaheb Ambedkar Marg,
Chhatrapati Sambhajinagar
4. Branch Manager ICICI Bank
Branch, Cidco, Chhatrapati Sambhajinagar **...RESPONDENTS**

Mr. Somnath G. Ladda, Advocate a/w Mr. Akshay P. Lohade, Advocate
for the petitioners.

Mr. K. S. Hoke Patil, APP for the respondents/State

Mr. Umesh Shete, Advocate for the respondent No. 4

CORAM : ABHAY J. MANTRI, J.

DATE : 18th DECEMBER, 2025

ORAL JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally with the consent of the parties.

2. By this petition, the petitioners, challenging the issuance of notice dated 20-08-2024 by respondent No. 3 to respondent No. 4 under Section 91 of the Code of Criminal Procedure (for short the '**Cr. P. C.**') as illegal and invalid and pursuant to the said notice issuance of communication by respondent No. 4 to the father of the petitioner Nos. 1 and 2, has preferred this petition.

3. The learned Advocate for the petitioners vehemently contended that the issuance of notice under Section 91 of the Cr. P.C. by the Police Inspector to the petitioners is illegal and beyond the purview of the mandate in Section 91 of the Cr. P. C. Therefore, the same is liable to be quashed and set aside. He further drew my attention to a communication issued by respondent No. 4 bank to the father of the petitioners on 27-08-2024. He submitted that no rupee was transmitted from Ajanta Bank to Soham Motors Pvt. Ltd., Jalgaon. He further submitted that, pursuant to the impugned notice, the Branch Manager has frozen the petitioners' bank accounts; therefore, they seek release of the said bank accounts. He further

argued that said issue is covered by following judgments; Mayur Vasantlal Shetiya Vs The State of Maharashtra in Criminal Writ Petition No.1073/2024 dated 09-09-2024; Dr. Shashikant D. Kulkarni, Mumbai Indian Inhabitant Vs State of Maharashtra reported in 2007 SCC OnLine Bom 1191; Kartik Yogeshwar Chatur Vs Union Of India in Criminal Writ Petition No.321/2025 with connected matters dated 20-11-2025 and therefore urged for setting aside the impugned notice.

4. On the contrary, the learned APP does not dispute the law laid down in the above-cited judgments of this court, as well as the Hon'ble Apex Court, as well as the mandate of section 91. However, he contended that there is a money trail. The father of the petitioners Nos. 1 and 2 was the Chairman of Ajanta Bank, who transferred the amount from Ajanta Bank to Soham Motors Pvt. Ltd. by presenting forged FDs on the OD. The same is reflected in the forensic audit, and a loan was taken on a fake OD. The forensic audit report confirms the same.

5. I have gone through the impugned issue and communication. It appears that the Investigating Officer issued the same under section 91 of the Cr. P. C. and thereby directed the Bank Manager- respondent No. 4 to freeze the bank accounts of the petitioners and accused Subhash. It further appears that the

petitioners are not charged with the present crime. Sohan Motors Pvt. Ltd. is impleaded as the accused in the present crime. Thus, it appears that the Investigating Officer was not empowered to freeze the bank accounts under Section 91 of the Cr. P. C., Apart from that issue, the case at hand is covered by the law laid down in the above-cited judgments. In view of the same, I find substance in the contention of the learned Advocate for the petitioners in that regard. The learned Advocate for the petitioners argued the second point, seeking the quashing of the letter dated 27-08-2024. However, I do not find substance in the contention in this regard, as the communication was addressed to the accused, Subhash, and the petitioners were not concerned with it. Similarly, in the said letter, Subhas's bank account number is mentioned; therefore, I am not inclined to accept his submission to quash the said letter.

6. Thus, considering the above fact that settled position of law as well as the mandate in section 91, I am of the view that issuance of notice under section 91 of the Cr. P.C. by the Investigating Officer directing the Bank Manager -respondent No. 4 to freeze the account of the petitioners is illegal. The Investigating Officer is not empowered to do so; therefore, the issuance of notice under Section 91 to the petitioners, to the extent of the petitioners, is liable to be quashed and set aside.

7. As a result, the petition is partly allowed. The issuance of notice dated 20-08-2024 under Section 91 of the Cr. P.C. by the Investigating Officer to respondent No.4 is hereby quashed and set aside to the extent of the petitioners. The rule is made absolute in the above terms.

8. As a sequel, the steps taken by the Investigating Officer pursuant to the same to the extent of the petitioners cannot be sustained in the eyes of the law.

9. Needless to clarify that if the Investigating Officer approaches the designated court, then he may take appropriate steps, which are in fact required legally to be adopted in the case of involving the offence under the MPID Act.

10. It is made clear that prayer in prayer clause C is rejected.

[ABHAY J. MANTRI, J.]