

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPLICATION NO. 1347 OF 2025

Mandakini Kumari Sinh ..Applicant
Versus
State of Maharashtra ...Respondent

Mr. Subodh Desai, Senior Advocate, i/b Aditya Sawant, for the
Applicant
Smt. R. S. Tendulkar, APP, for the Respondent-State.

CORAM: N. J. JAMADAR, J.
DATE : 28th NOVEMBER 2025

ORAL ORDER:

1. Heard the learned Counsel for the parties.
2. The challenge in this Application is to an order dated 13th October 2025, passed by the learned Magistrate, 18th Court, Girgaon, whereby the Application to pay over the debit freezed amount to the Applicant-first informant came to be allowed with a condition that, the amount which was debit freezed be credited to the bank account of the Applicant only up to the third layer.
3. Mr. Subodh Desai, the learned Senior Advocate, submits that the learned Magistrate has allowed an earlier Application for return of an amount of Rs.3,65,556.8/- which was deposited in 74 bank accounts

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into which the amount of Rs.21,50,000/-, of which the first informant was defrauded in an online fraud, came to be credited.

4. In the impugned order as well, the learned Magistrate has not found the claim of the Applicant unsustainable. However, without ascribing any reason, the learned Magistrate has directed that, the amount debit freezed in 114 bank accounts be returned only up to the third layer, which would be in the range of Rs.35,000/-, though the total amount debit freezed is Rs.4,13,982.78/-.

5. Indeed the impugned order does not spell-out the reasons which weighed with the learned Magistrate in restricting the payment of the debit freezed amount up to the third layer only. It appears that, the persons who defrauded the first informant had layered the amount by transferring the same to various accounts. However, once the Court found that the claim of the Applicant for the payment of the said debit freezed amount was sustainable, there was no justifiable reason to restrict the amount only up to the third layer, especially, when while allowing an earlier Application, no such condition was put. In any event, the learned Magistrate has not ascribed any reason for ordering such measure.

6. Resultantly, the Application deserves to be allowed. Hence, the following order:

: O R D E R :

- (i) The Application stands allowed.
- (ii) The condition that the amount be paid only up to the third layer stands quashed and set aside.
- (iii) The entire debit freezed amount, i.e., Rs. 4,13,982.78/- be credited to the account of the first informant-Applicant subject to the rest of the conditions imposed by the learned Magistrate.

[N. J. JAMADAR, J.]