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

CRIMINAL WRIT PETITION NO. 423 OF 2025

Axis Bank

-- VERSUS --

Avanti Anish Deshpande and Others

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

Mr. S.P. Makkad, Advocate for the Petitioner.
Mr. S.R. Agrawal, Advocate (Through V.C.) for the Respondent No.1.
Mr. Bhagwan M. Lonare, A.P.P. for the Respondent No.2/State.

CORAM : M.M. NERLIKAR, J.

DATE : DECEMBER 22, 2025.

Heard.

2. The petitioner is Axis Bank, in whose bank the fraudulent amount from different accounts was credited. The respondent No.1 is one of the victim of the said cyber fraud and has suffered a loss of Rs.5,94,172/-. It appears that out of the said amount, Rs.2,00,000/- was deposited in the account of Tether Network Private Limited. The said entity was having account in the petitioner's bank. It further appears that the amount of Rs.2,00,000/- was transferred to this account from the account of respondent No.1.

3. The learned 22nd Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Nagpur, passed the impugned order directing the Axis Bank-present petitioner to release an amount of Rs.2,00,001/- in favour of respondent No.1.

4. The learned counsel appearing for the petitioner submits that there are several complaints which are filed against the respondent No.3, however, amount to the tune of Rs.5,09,93,065/- is frozen at the request of Police Agencies and several persons / victims are approaching the Bank for release of their respective amounts.

5. It is surprising to note that Axis Bank has challenged the order of the Magistrate dated 26/03/2025. Instead of complying with the order of Magistrate dated 26/03/2025, the Bank has approached this Court. Such a practice of approaching this Court without obeying the order passed by the Magistrate is deprecated. The learned counsel appearing for the petitioner failed to point out the Court's order wherein different Courts have passed the order for release of the amounts. Under such circumstances, it was not necessary for Axis Bank to challenge the impugned order instead of implementing it. It is also necessary to mention at this juncture that Axis Bank has no locus to challenge the said order as petitioner Bank is not aggrieved person. The Bank ought to have implemented the said order.

6. The learned counsel further submits that the Bank was not made party to the proceedings before the lower Court. Even this submission cannot be accepted, as the Bank was not a necessary party. If at all some excess amount was directed to be released by different Courts, one can understand, under that circumstances, the petitioner could approach the trial Court or the Court who has passed the impugned order pointing out that the Bank is unable to release the amount. However, failure to demonstrate that there is not sufficient amount in the account of the person who has defrauded several persons, such contention cannot be accepted. The petitioner failed to demonstrate its locus. Further, the account was frozen by the Police Authorities.

7. Under such circumstances, it was incumbent on the petitioner Bank to obey the Court's order. With these observations, the petition is **dismissed**. It is further directed that the Bank should implement the order of the Trial Court within three days from today.

[M.M. NERLIKAR, J]

PIYUSH MAHAJAN