IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 542/2025
(Sarang S/o Sharad Bhoyte Vs. The State of Maharashtra & ors.)

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

Mr.S.M. Patrikar, Advocate for petitioner.
Mr. A.M. Joshi, APP for respondent No.1.
Mr. S.V. Taksande, Advocate for respondent No.5.
Mr. K.N. Lad, Advocate for respondent No.6.
Mr. S. G. Deshpande, Advocate for respondent No.8.

CORAM: M. M. NERLIKAR, J.
DATED : 17/12/2025.

Heard.

2. The petitioner is challenging the order dated 27.03.2025 passed by the learned Additional Sessions Court, Nagpur in Criminal Revision Application No.188/2024, wherein the revision application filed by respondent No.5 is partly allowed and the order dated 26.06.2024 passed by the learned Judicial Magistrate First Class, (Court No.6) Nagpur in Misc. Criminal Application No.2372/2024 to the extent of directing transfer of frozen amount of Rs.11,86,000/- from the account of respondent No.5 maintained at ICICI Bank bearing No.367301500917 is set aside.

3. The limited controversy which is before this Court is whether the Revisional Court is right in partly allowing the application filed by respondent No.5. It appears that the petitioner is the original informant who has lost Rs.38,80,000/- in the online fraud. The said amount went to the various accounts. Out of which, one account is of

respondent No.5. In the course of investigation, the Investigating Officer has seized many accounts and it was found that the online fraud/transaction was executed at several layers e.g. if the amount is stolen from one account, it was transferred to different accounts at different levels/layers forming a network of fraudsters. This modus operandi was used in the present online fraud by transferring the amount to different accounts and thereafter, the same was transferred to other accounts. It appears that the amount from petitioner's account of Rs.38,80,000/- was transferred in various accounts, out of which Rs. 19,10,000/- was transferred to layer 2 account No.8553210000006415. From this account, again the amount was transferred in layer 3 account bearing No. 367301500917. In this account, Rs.1,08,500/- was transferred. However, by the order of the learned Judicial Magistrate First Class, the amount of Rs.11,86,000/- was directed to be transferred in the account of the present petitioner. It appears that during investigation, it transpired Rs.1,08,500/- was transferred in the account of respondent No.5 from the account of petitioner, therefore excess amount was directed to be transferred in the account of present petitioner.

4. Considering the fact that Rs.1,08,500/- was transferred from the account of layer No.2 account as mentioned above, therefore, the Revisional Court has rightly passed an order by setting aside the order of the learned Magistrate.

5. No doubt, the petitioner has lost Rs.38,80,000/-, however even the fact cannot be ignored that in the account of Respondent No.5 out of these Rs.38,80,000/-, prima facie, it appears that only Rs.1,08,500/- was transferred, therefore I am of the view that the Revisional Court has rightly passed an order and I do not see any perversity in the said order. However, it is made clear that the Investigating Officer shall take efforts to seize the other accounts also and try to get back the stolen amount of the petitioner.

6. With the observations, petition is dismissed.

(M. M. NERLIKAR, J.)

Gohane